



Ethics Committee Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
February 03, 2021
3:00 PM

REVISED

Due to the COVID-19 health concerns, modifications have been made for public participation. Public participation is welcome in the following ways in order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution):

- Attend in person. The City will be following the Current Governor's Directives and the Public Health Officer Orders regarding public meetings conducted by, staffed by or held in the facilities of the city. Masks will be required, social distancing will be enforced, and the total number of persons in the meeting room will be limited to a maximum of 50. Public following these directives may view and participate in the meeting from the Commission Chambers or the Gibson Room. Please refrain from attending in person if you are not feeling well.
- ~~Call in. The public may call in during public comment period at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.~~
- Provide public comments in writing. Comments may be sent via mail to City Manager's Office, PO Box 5021, Great Falls MT 59403 or by email to: kartis@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Please ensure that comments arrive before 10:00 AM on Wednesday February 3, 2021. Due to tracking and dissemination requirements, written communication must be received by that time in order to be shared with the Ethics Committee and appropriate City staff for consideration during the agenda item and will be so noted in the official record of the meeting.

The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. ~~The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.~~

CALL TO ORDER

ROLL CALL

Carmen Roberts - Chair
Katrina Stark – Vice Chair
Robin Beatty
Justin Grohs (Alternate)

RECOGNITION OF STAFF

COMMITTEE AGENDA ITEMS

1. Approval of Meeting Minutes, August 12, 2020.

2. Appointment of Officers.

3. Jeni Dodd Complaint

Complaint alleging conflict of interest and ethics violations by City elected officials and employees in relation to the Big Sky Country National Heritage Area Inc.

4. Miscellaneous Reports and Announcements from Committee.

PUBLIC COMMENT

Public Comment on any matter that is not on the agenda and that is within the jurisdiction of the Ethics Committee. Speak into the microphone, and state your name and address for the record.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)

Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.

~~*Ethics Committee meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. Meeting will be re-aired on cable channel 190 on Friday, February 5th at 3 p.m. and posted on the City's website under the meeting.*~~

AUGUST 12, 2020 JOURNAL OF ETHICS COMMITTEE PROCEEDINGS 2020.1

Regular Ethics Commission Meeting

Civic Center, 2 Park Drive South,
Commission Chambers Room 206, Great Falls, MT

CALL TO ORDER: In the absence of Chairperson Carmen Roberts, Vice-Chair Katrina Stark called the meeting to order at 11:03 AM.

ROLL CALL: Ethics Committee Members (CM) participated electronically via Zoom: Katrina Stark and Carl Rostad. Chairperson Carmen Roberts was excused.

RECOGNITION OF STAFF: City Attorney Sara Sexe and City Clerk Lisa Kunz.

Due to the COVID-19 health concerns, public participation is welcomed and encouraged as follows:

- Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the Commission Chambers according to applicable health guidelines.
- Provide public comments via email. Comments may be sent via email before 8:00 AM on Wednesday, August 12, 2020, to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. Written communication received by that time will be shared with the Committee and appropriate City staff for consideration during the agenda item and before final vote on the matter; and will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.

1. APPROVAL OF MEETING MINUTES - - November 6, 2019.

CM Rostad moved, seconded by Vice-Chair Stark, that the Ethics Committee approve the meeting minutes of November 6, 2019.

Vice-Chair Stark asked if there was any discussion amongst the Committee or comments from the public. Hearing none, Vice-Chair Stark called for the vote.

Motion carried 2-0.

2. CONSIDER RECOMMENDATION ON APPOINTMENT OF AN ALTERNATE MEMBER TO THE ETHICS COMMITTEE.

Vice-Chair Stark disclosed that she knows the family of applicant Kenneth Engelhardt. Mr. Engelhardt's wife and daughter used to work with her at the University of Providence. However, she had no supervisory power over Mrs. Engelhardt or her daughter.

CM Rostad moved, seconded by Vice-Chair Stark, that the Ethics Committee recommend to the City Commission the appointment of Kenneth Engelhardt as an alternate member to the Ethics Committee for the remainder of a three-year term through December 31, 2022.

Vice-Chair Stark asked if there were any comments from the public. Hearing none, Vice-Chair Stark asked if there was any discussion amongst the Committee.

Vice-Chair Stark spoke in support of applicant Kenneth Engelhardt's military background and other service work.

CM Rostad noted that both applicants were excellent candidates for the committee. He spoke in support of Kenneth Engelhardt's experience in government that would bring more context of experience to the position.

There being no further discussion, Vice-Chair Stark called for the vote.

Motion carried 2-0.

3. CONSIDER A CHANGE TO THE RULES AND PROCEDURES FOR GOVERNING ETHICS COMMITTEE RELATED TO ADDRESS REQUIREMENTS FOR PUBLIC COMMENT DURING ETHICS COMMITTEE MEETINGS.

City Attorney Sara Sexe reported that this item is consideration of a change to Rule 7.01.2 of the Rules and Procedures for Governing Ethics Committee adopted by the Committee.

In July of this year the City Commission adopted a resolution amending Rule 10.1 of the City Commission Rules of Conduct and Procedure of Commission Meetings that provided an option to not provide, for privacy reasons, a person's address. Staff researched other cities' policies and recommended to the City Commission that, in light of balancing citizens' privacy and interests or claims thereof, the City Commission amend its rules to allow speakers the option to either provide their address or state whether they are a City resident for the record.

For convenience, Attorney Sexe read the proposed motion for the record, agreed to and adopted as a motion by **Vice-Chair Stark, seconded by CM Rostad, that the Ethics Committee accept a change to its rule regarding requiring addresses for public comment during meetings to allow speakers to provide either their address or state whether they are a City resident for the record.**

Vice-Chair Stark asked if there were any comments from the public. Hearing none, Vice-Chair Stark called for the vote.

Motion carried 2-0.

PUBLIC COMMENT.

None.

ADJOURNMENT.

There being no further business to come before the Committee, Vice-Chair Stark moved, seconded by CM Rostad, to **adjourn the regular meeting of August 12, 2020, at 11:13 a.m.**

Motion carried 2-0.

Katrina Stark, Vice-Chairperson

Acting Secretary – City Clerk Lisa Kunz

Minutes Approved: _____, 2020



Ethics Committee Meeting Date: February 3, 2021

**CITY OF GREAT FALLS
ETHICS COMMITTEE AGENDA REPORT**

Item: Jeni Dodd Complaint

From: Legal Department

Initiated By: Gregory T. Doyon, City Manager

Presented By: Sara R. Saxe, City Attorney

Action Requested: Conduct public hearing and determine issue resolved without further referral.

Public Hearing:

1. Pursuant to Part VI of the Ethics Committee's Rules and Procedures, the Ethics Committee will conduct a public hearing as required by OCCGF 1.2.050 and Title 17, Chapter 16, Article 6; and
2. Presiding officer closes public hearing and asks the will of the Committee.

Suggested Motions (After all motions are considered, the Ethics Committee shall make written findings of its decision.):

I. Complaint No. 1 (Acceptance of Funds):

1. Committee Member moves:

“I move that the City Ethics Committee find that Ms. Dodd’s claims that the City violated Mont. Code Ann. § 2-2-121(2)(a) by accepting funds on behalf of the Heritage organization appears **(to be substantiated / not to be substantiated)**.”

2. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

If determined not to be substantiated, proceed to I.5. below; if determined to be substantiated, proceed to the next question.

3. Committee Member moves:

“I move that the City Ethics Committee **(refer / not refer)** Ms. Dodd’s substantiated claims of accepting Heritage organization funds under Mont. Code Ann. § 2-2-121(2)(a) to the Cascade County Attorney, or with regard to employee action to the City Manager, for disposition.”

4. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

5. Committee Member moves:

“I move that the City Ethics Committee find that Ms. Dodd’s claims that the City violated OCCGF § 2.21.050 by accepting funds on behalf of the Heritage organization appears (**to be substantiated / not to be substantiated**).

6. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

If determined not to be substantiated, proceed to Complaint No. 2; if determined to be substantiated, proceed to the next question.

7. Committee Member moves:

“I move that the City Ethics Committee (**refer / not refer**) Ms. Dodd’s substantiated claims of accepting Heritage organization funds under OCCGF § 2.21.050 to the Cascade County Attorney, or with regard to employee action to the City Manager, for disposition.”

8. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote.

II. Complaint No. 2 (Use of Staff Time and Resources):

1. Committee Member moves:

“I move that the City Ethics Committee find that Ms. Dodd’s claims that the City violated Mont. Code Ann. § 2-2-121(2)(a) by using staff time and resources in support of the Heritage organization appears (**to be substantiated / not to be substantiated**).

2. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

If determined not to be substantiated, proceed to II.5. below; if determined to be substantiated, proceed to the next question.

3. Committee Member moves:

“I move that the City Ethics Committee (**refer / not refer**) Ms. Dodd’s substantiated claims of using staff time and resources in support of the Heritage organization under Mont. Code Ann. § 2-2-121(2)(a) to the Cascade County Attorney, or with regard to employee action to the City Manager, for disposition.”

4. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

5. Committee Member moves:

“I move that the City Ethics Committee find that Ms. Dodd’s claims that the City violated OCCGF § 2.21.050 by using staff time and resources in support of the Heritage organization appears **(to be substantiated / not to be substantiated)**.”

6. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

If determined not to be substantiated, proceed to Complaint No. 3; if determined to be substantiated, proceed to the next question.

7. Committee Member moves:

“I move that the City Ethics Committee **(refer / not refer)** Ms. Dodd’s substantiated claims of using staff time and resources in support of the Heritage organization under OCCGF § 2.21.050 to the Cascade County Attorney, or with regard to employee action to the City Manager, for disposition.”

8. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote.

III. Complaint No. 3 (Use of City Facilities):

1. Committee Member moves:

“I move that the City Ethics Committee find that Ms. Dodd’s claims that the City violated Mont. Code Ann. § 2-2-121(2)(a) by using City facilities for Heritage organization board meetings appears **(to be substantiated / not to be substantiated)**.”

2. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

If determined not to be substantiated, proceed to III.5. below; if determined to be substantiated, proceed to the next question.

3. Committee Member moves:

“I move that the City Ethics Committee **(refer / not refer)** Ms. Dodd’s substantiated claims of using City facilities for Heritage organization board meetings under Mont. Code Ann. § 2-2-121(2)(a) to the Cascade County Attorney, or with regard to employee action to the City Manager, for disposition.”

4. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

5. Committee Member moves:

“I move that the City Ethics Committee find that Ms. Dodd’s claims that the City violated OCCGF § 2.21.050 by using City facilities for Heritage organization board meetings appears **(to be substantiated / not to be substantiated)**.”

6. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

If determined not to be substantiated, proceed to Complaint No. 4; if determined to be substantiated, proceed to the next question.

7. Committee Member moves:

“I move that the City Ethics Committee (**refer / not refer**) Ms. Dodd’s substantiated claims of using City facilities for Heritage organization board meetings under OCCGF § 2.21.050 to the Cascade County Attorney, or with regard to employee action to the City Manager, for disposition.”

8. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote.

IV. Complaint No. 4 (Bronson’s Travel):

1. Committee Member moves:

“I move that the City Ethics Committee find that Ms. Dodd’s claims that Bill Bronson violated Mont. Code Ann. § 2-2-121(5)(b) by traveling to Washington D.C. to meet with Montana’s Congressional Delegation on behalf of the Heritage organization appears (**to be substantiated / not to be substantiated**).

2. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

If determined not to be substantiated, proceed to IV.5. below; if determined to be substantiated, proceed to the next question.

3. Committee Member moves:

“I move that the City Ethics Committee (**refer / not refer**) Ms. Dodd’s substantiated claims of Bill Bronson’s traveling to Washington D.C. to meet with Montana’s Congressional Delegation on behalf of the Heritage organization under Mont. Code Ann. § 2-2-121(5)(b) to the Cascade County Attorney for disposition.”

4. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

5. Committee Member moves:

“I move that the City Ethics Committee find that Ms. Dodd’s claims that Bill Bronson violated OCCGF § 2.21.050 by travelling to Washington D.C. to meet with Montana’s Congressional Delegation on behalf of the Heritage organization appears (**to be substantiated / not to be substantiated**).

6. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote, and

If determined not to be substantiated, proceed to prepare written findings; if determined to be substantiated, proceed to the next question.

7. Committee Member moves:

“I move that the City Ethics Committee (**refer / not refer**) Ms. Dodd’s substantiated claims of Bill Bronson’s travelling to Washington D.C. to meet with Montana’s Congressional Delegation on behalf of the Heritage organization under OCCGF § 2.21.050 to the Cascade County Attorney, or City Manager, for disposition.”

8. Presiding officer requests a second to the motion, Committee discussion, and calls for the vote.

Written findings are required as to Committee determinations.

Staff Recommendation: After conducting a public hearing in this matter, the City Attorney recommends that the Ethics Committee make the following findings:

- I. That Complaint 1 appears not to be substantiated and find no further action is warranted;
- II. That Complaint 2, as it relates to violation of Mont. Code Ann. § 2-2-121(2)(a) does not appear substantiated and find no further action is warranted.

That Complaint 2, as it relates to violation of OCCGF § 2.21.050, find the complaint appears to be substantiated, but determine that any technical code violations that may exist have been addressed, and thus do not warrant referral to the County Attorney or City Manager for further disposition;

- III. That Complaint 3 as it relates to violation of Mont. Code Ann. § 2-2-121(2)(a) does not appear substantiated and find no further action is warranted.

That Complaint 3, as it relates to violation of OCCGF § 2.21.050, find the complaint appears to be substantiated, but determine that any technical code violations that may exist have been addressed, and thus do not warrant referral to the County Attorney or City Manager for further disposition; and

- IV. That Complaint 4 appears not to be substantiated and find no further action is warranted.

Background: On August 25, 2020 Great Falls City resident Jeni Dodd submitted a letter to the Cascade County Attorney’s Office alleging conflict of interest and ethics violations by Cascade County and City of Great Falls (City) elected officials and employees. (See Attachment 1.) Relevant to City elected officials and employees, Ms. Dodd alleged certain officials/employees authorized City employee time, resources and facilities to benefit the private, non-profit Big Sky Country National Heritage Area Inc. (formerly Upper Missouri River Heritage Planning Corporation, hereinafter “Heritage Organization”) in violation of Mont. Code Ann. § 2-2-121(2)(a), § 2-2-121(5)(b) and OCCGF § 2.21.050.

On September 14, 2020, Ms. Dodd forwarded said complaint to the City Attorney for further consideration of her concerns. Ms. Dodd filed an official City Ethics Violation Complaint on September 29, 2020 referencing her August 25, 2020 letter. (See Attachment 2.)

Ms. Dodd's August 25, 2020, letter raised four complaints against City elected officials and/or City employees (referred to herein as Complaint Nos. 1-4). The specific issues implicated by Ms. Dodd's complaints pertaining to the City are as follows:

1. Did City employees and elected officials inappropriately allocated City employee time, public resources, and facilities to further the interests of the Heritage Organization?
2. Did City officials inappropriately lobby the Montana Congressional delegation in support of the establishment of a National Heritage Area?

After investigation into the complaints was conducted, including review of responses received from various City elected officials and City employees (Attachments 3-7) on November 16, 2020, City Attorney Sexe provided a memorandum to the City Manager, which contained the following opinions:

As noted previously, only the complaints regarding City staff or officials are addressed herein. After considering the complaint and the responses, I make the following determinations:

1. Regarding Complaint No. 1, there is no violation of Mont. Code Ann. § 2-2-121(2)(a) or OCCGF § 2.21.050;
2. Regarding Complaints No. 2 and 3, there is no violation of Mont. Code Ann. § 2-2-121. However, like other non-City entities, the Heritage organization should have been required to pay fees according to City Commission processes. It did not, and as such there exist violations of OCCGF § 2.21.050 (B), (F) and (L); and
3. Regarding Complaint No. 4, while Commissioner Bronson was at times both a Commissioner and an attorney in private practice, the information provided does not support that a violation of Mont. Code Ann. § 2-2-121(5)(b) occurred, based upon his representations that he traveled and acted solely as legal counsel for the Heritage organization, which paid his out of pocket costs.

The indirect support from the City Commission, via the approvals of the *Growth Policy*, the TBID annual budgets and work plans, and the HPAC goals, establish that the City supported the Heritage organization's attempts to receive the designation of the NHA. Direct support by the City Commission came in December 2019 when Resolution 10320 was adopted. The effect of this indirect and direct support is Commission-recognized potential benefit to the City of the Heritage organization's designation. Actions taken by City representatives in furtherance of this support were taken with the direct or tacit approval of the City Commission.

Ms. Dodd's complaints have brought to light various concerns which could have been avoided had the City Commission been asked to clarify its position on recognition and support of the Heritage organization. Notwithstanding, the individual City representatives named in Ms. Dodd's complaint have not acted outside of their perceived

responsibilities to further City purposes. Those employees' supervisors should however provide counseling and education to ensure that City Commission fees for the use of City resources by outside entities are being consistently and fairly charged in the future.

The memorandum was provided to Ms. Dodd on the same date. (See Attachment 8.)

After receipt of the City Attorney's November 16, 2020 Memorandum, the City Manager addressed the complaints with City staff. Manager Doyon provided counseling and education to ensure that in the future City Commission fees for the use of City resources by outside entities are being consistently and fairly charged, and that staff endeavor to better understand Commission position on similar matters.

In response to the City's Attorney's opinions, on December 14, 2020, Ms. Dodd provided a response and requested a hearing before the Ethics Committee hearing on the matter. (See Attachment 9.) City Manager Doyon then referred the matter to the Ethics Committee.

Authority: Pursuant to OCCGF §§ 2.21.090 and 2.21.100, upon City Manager or City Attorney referral, of matters, the Ethics Committee:

Committee shall meet and be presented testimony regarding matters referred to it. When considering an ethics complaint, the Committee shall determine whether a complaint appears to be substantiated based on the information and testimony presented. If the Committee determines that a complaint appears to be substantiated, it may refer the matter to the Cascade County Attorney, or to the supervisor of a public employee who may be the subject of the complaint, for disposition. The Committee shall make written findings of its decision, which will be filed with the City Clerk.

Attachments/Exhibits:

1. August 25, 2020 Complaint with attachments
2. September 29, 2020 Formal Complaint
3. October 8, 2020 Response from Melissa Kinzler
4. October 13, 2020 Response from Craig Raymond
5. October 13, 2020 Response from Thomas Micuda
6. October 16, 2020 Response from William Bronson
7. October 23, 2020 Response from Tracy Houck
8. November 16, 2020 Response and memo
9. December 14, 2020 Request for Ethics Committee hearing
10. January 27, 2021 Response from Jeff Hedstrom
11. February 3, 2021 Ethics Hearing supporting documents from Craig Raymond
12. February 3, 2021 Additional Hearing documents submitted by Ms. Dodd

August 25, 2020

Mr Joshua Racki
County Attorney for Cascade County
121 4th Street North #2
Great Falls, MT 58401

Dear Mr Racki,

I am writing you to ask you to investigate possible conflicts of interest and ethics violations in the use of county resources by Cascade County Commissioner Jane Weber to benefit a private non-profit, non-governmental organization. Commissioner Weber is also the chair of the Big Sky Country National Heritage Area Inc (BSCNHA Inc formerly Upper Missouri River Heritage Planning Corporation).

I also ask that you investigate the City of Great Falls and their involvement with BSCNHA Inc in regards to conflicts of interest and ethics violations in the use of city resources, including city employees and officers, to support BSCNHA Inc.

The Montana Constitution, Article XIII, Section 4 prohibits conflict between employees' private interest and their public duty. The Standards of Conduct are found in Title 2 –Chapter 2, MCA.

MCA § 2-2-121 (2)(a) A public officer of a public employer may not, subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes.

It appears there are several examples of Commissioner Weber using county resources for BSCNHA Inc.

1. Weber used her assistant Michaela Fraser to create a master contact list for BSCNHA Inc. This is use of government

facilities for personal use, since Weber is also the chair of the NHA board.

UMRNHA Special Meeting Minutes, Feb 5, 2016: “Weber’s assistant Michaela Fraser has been working on creating a master contact list that includes individuals from the first public meeting over a year ago, as well as some additional interested parties.”

2. Weber has listed her Cascade County government phone number as well as her county email as contacts for BSCNHA Inc since at least 2018. It appears Weber is using county resources as well as her time on duty time as a county officer, for personal use for BSCNHA Inc, all at taxpayer expense. The links are below are examples and I have attached screen shot PDFs.

(<http://members.helenachamber.com/events/details/community-conversation-upper-missouri-river-heritage-area-9967>)

(<https://www.bigskycountrynha.org/contact-us.html>)

The City of Great Falls appears to violate MCA § 2-2-121 (2)(a) as well as the Official Code of the City of Great Falls § 2.21.050 Ethical Standards.

1. BSCNHA Inc planned to solicit funds from local businesses to put on a presentation and have the checks made out to the City of Great Falls. It is not mentioned which city employee or officer arranged for this but it appears to be a conflict of interest. Why should the city be accepting funds on behalf of a private non-profit, non-governmental organization?

UMRHPC Special Meeting Minutes, Feb 5, 2016: “The board also discussed the need to raise money to put on the public meeting....Checks should be made out to the City of Great

Falls, and they will handle the financial end of this until we are ready to open our own account.”

2. Greg Gordos and Jeff Hedstrom were city employees involved with assisting BSCNHA Inc. It appears, from the organization’s meeting minutes, that an extensive amount of city resources were dedicated to mapping for BSCNHA Inc, with work apparently completed on city employee time and at the city’s expense.

The following are excerpts from BSCNHA Inc (UMRHPC Inc) meeting minutes.

Sept 3-4, 2015, Gordos states: “Happy to provide any and all staff work.”

Oct 22, 2015: “Gregory Gordos, as a city employee, is the keeper of all of the Upper Missouri River Heritage Area Planning Corporation documents. Board members will come and go, but a city employee serves as the institutional knowledge and continuity from year to year. The board decided that the words “Minutes are available at the City of Great Falls Planning Office” should be added to the approved minutes.”

Special Note: The city has refused to provide BSCNHA Inc meeting minutes through a FOIA request and instead stated that the minutes would need to be requested from BSCNHA Inc. BSCNHA Inc has also refused to provide the minutes upon request, stating that as a private non-profit, they are not required to respond to public requests for meeting minutes. Since the BSCNHA Inc meeting minutes are kept by a city department, then they should be subject to my original FOIA request and my request for all minutes for BSCNHA Inc should have been honored.

Oct 22, 2015: “Gordos created a draft planimetric map of the draft heritage area boundary.”

Nov 2, 2015: “Weber reported that Gordos’ time is limited and cannot do all of the work that is needed to put this map together, as well as his other duties concerning this board and his job. Craig Raymond (Planning and Community Development Director) will meet with GIS Coordinator Jeff Hedstrom and other staff about the possibility of having Hedstrom assist with this mapping project. Research and data collection and digitizing takes time and money; therefore, the board may seek additional funding and outside staff (such as a graduate student) for the project.”

Nov 2, 2015: “Gordos will assemble, edit, layout, and send the newsletter...”

Dec 7, 2015: “Jane Weber introduced Jeff Hedstrom to the board and thanked him for his work on the GIS map thus far.”

Dec 7, 2015: “Gordos reported that the sub-committee (Gordos, Weber, Ruthann Knudson, and Ken Robison) met to continue work on the GIS map. Gordos and Hedstrom also met to discuss where to find the information to create the various layers for the map. They spoke with Damon Murdo (Cultural Records Manager with the Montana State Historic Preservation Office) regarding public information available for this project. Gordos has received shape files from the SHPO of the publically accessible information on historic and cultural sites within our NHA boundaries.”

Jan 25, 2016: “Update on GIS map: Jeff Hedstrom gave the board a handout of the 9 categories and 20 layers that have SO FAR made it into the GIS map. This is still a work in progress. Hedstrom and Gregory Gordos were encouraged to refer to the comprehensive list of layers, categories, etc. that the map sub-committee (Weber, Robison, and Knudson) created. Hatcher could also assist in getting information regarding the Lewis and Clark pieces of the GIS map. Morger will be the point of contact for any information

about Fort Benton and Chouteau County. Houck reported that based on a conversation with her contact at Montana Grain Growers that there isn't a lot of "official and accurate" information regarding agricultural features. Knudson reported that there should be a database created that is separate from the map. She has already talked to Gordos about it, and Hedstrom said he would check into how to create one. Thank you, Jeff, for the work you've done on the map thus far!"

Feb 29, 2016: "Gordos reported that there has not been much progress on the project since our last meeting. He revised the base map with a clearer and bolder boundary so it's easier to see.

Gordos also reported that there will be an intern hired in the planning office, and that person could assist with the map and database project. The intern and the hiring committee are in negotiations. A decision should be made soon."

The non-profit tax returns for BSCNHA Inc and UMRNHA Inc were postcard IRS Form 990, meaning they had less than \$50,000 in income. Clearly then, BSCNHA Inc didn't possess the resources to reimburse the city for this work.

3. BSCNHA Inc has used city facilities for their meetings since 2015 (Rainbow Room and Gibson Room at the Civic Center). I have confirmed with a phone call to the staff at the Civic Center that the city charges other non-profits for use of those rooms but I was told BSCNHA Inc meetings are "city meetings" so they are not charged. BSCNHA Inc meetings are not city meetings; the entity is a non-governmental organization. Why does the city provide a taxpayer-funded city facility free of charge for private non-profit to meet?

Finally, Weber and then Great Falls City Commissioner Bill Bronson took several trips to D.C. to meet with Montana's Congressional delegation. This may be a violation of *MCA* §

2-2-121 (5)(b) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.

Thank you for your time and consideration in these matters.

Sincerely,

Jeni Dodd
PO Box 6373
Great Falls, MT 59401

Attachments: Official Code of the City of Great Falls § 2.21.050
Ethical Standards, Montana Code Annotated relevant codes,
Upper Missouri River Heritage Planning Corporation meeting
minutes, screen shot PDF examples of County Commissioner
Weber contact information

2.21.040 - Definitions.

As used in this section:

- A. "Agency" means any agency, board, governing body, including the chief executive officer, office, commission, or other instrumentality within the City of Great Falls, and any independent local authority created by or appointed under the authority of the City of Great Falls.
- B. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity.
- C. "Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency, who is not a local government officer.
- D. "Interest" means the ownership or control of more than ten (10) percent of the profits, assets or stock of a business organization, but shall not include the control of assets in a non-profit entity or labor union.
- E. "Member of immediate family" means the spouse or dependent child of an officer or employee residing in the same household.
- F. "Officer" means any person whether compensated or not, whether part-time or full-time, who is one (1) of the following:
 - 1. Member of the City Commission;
 - 2. City Manager;
 - 3. Deputy City Manager;
 - 4. Director, Department of Finance;
 - 5. Director, Department of Planning and Community Development;
 - 6. Director, Department of Public Works;
 - 7. Director, Department of Parks and Recreation;
 - 8. Chief of Police;
 - 9. City Clerk;
 - 10. City Attorney;
 - 11. Municipal Judge;
 - 12. Fire Chief;
 - 13. Library Director;
 - 14. Human Resources Director;
 - 15. Housing Authority Director; or
 - 16. A member of any City board, council, committee, or commission.
- G. "Officer or employee" means an officer or employee of the City of Great Falls or of an agency under the authority of or appointed by the City Commission.

(Ord. 3183, 2017; Ord. 3169, 2017).

2.21.050 - Ethical standards.

In addition to complying with the provisions of Mont. Code Ann. Title 2, Chapter 2, officers and employees of the City of Great Falls shall comply with the following provisions:

- A. No officer or employee of the City of Great Falls shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;

- B. No officer or employee shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;
- C. No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to:
 - 1. impair his or her objectivity or independence or judgment, or
 - 2. substantially conflict with the proper discharge of officer or employee's governmental duties;
- D. No officer or employee shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;
- E. No officer or employee, any member of his or her immediate family, or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties, the appearance of impropriety must be avoided by the acceptance of such a gift;
- F. No officer or employee shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;
- G. No officer or employee, or any business organization in which he or she has an interest, shall represent any other person or party except the City in connection with any cause, proceeding, application, or other matter pending before any agency of the City of Great Falls; except in the process of collective bargaining for public employees or where any officer or employee or members of his or her immediate family shall represent himself, herself or themselves, in negotiations or proceedings concerning his, her, or their own interests;
- H. No officer shall be in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no particular material or monetary gain accrues to him or her, or his or her immediate family;
- I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if in return, no fee, reward, or other thing of value is directly or indirectly promised to or accepted by the officer or a member of his or her immediate family;
- J. No officer or employee, elected or appointed in the City, shall without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or governmental affairs of the City;
- K. No officer or employee shall approve, disapprove, or in any way recommend the payment of any bill, voucher, or indebtedness in which he or she has direct or indirect interests except reimbursement for proper expenses otherwise approved by the City Manager;
- L. No officer or employee shall request, use, or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or advantage for himself or any other person; except where it is the general practice to make the same available to the public at large, or where the same is provided pursuant to stated public policy for the use of officials and employees in the conduct of official business;
- M. All officers or employees shall exercise prudence and integrity in management of public funds in their custody and in all financial transactions;
- N. All officers or employees shall uphold the letter and spirit of the constitution, statutes, and regulations governing their duties and report violations of the law to appropriate authorities;

- O. All officers or employees shall be sensitive and responsive to the concerns and questions of the public; and
- P. All officers, whether elected or appointed, shall file a signed written disclosure with the City Clerk, and City Attorney, disclosing any appearance of a violation of this chapter, and said disclosure may, within the City Manager's discretion, be forwarded to the Great Falls Ethics Committee for determination if a violation of this chapter exists and appropriate course of action.

(Ord. 3169, 2017).

2.21.040 - Definitions.

As used in this section:

- A. "Agency" means any agency, board, governing body, including the chief executive officer, office, commission, or other instrumentality within the City of Great Falls, and any independent local authority created by or appointed under the authority of the City of Great Falls.
- B. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity.
- C. "Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency, who is not a local government officer.
- D. "Interest" means the ownership or control of more than ten (10) percent of the profits, assets or stock of a business organization, but shall not include the control of assets in a non-profit entity or labor union.
- E. "Member of immediate family" means the spouse or dependent child of an officer or employee residing in the same household.
- F. "Officer" means any person whether compensated or not, whether part-time or full-time, who is one (1) of the following:
 - 1. Member of the City Commission;
 - 2. City Manager;
 - 3. Deputy City Manager;
 - 4. Director, Department of Finance;
 - 5. Director, Department of Planning and Community Development;
 - 6. Director, Department of Public Works;
 - 7. Director, Department of Parks and Recreation;
 - 8. Chief of Police;
 - 9. City Clerk;
 - 10. City Attorney;
 - 11. Municipal Judge;
 - 12. Fire Chief;
 - 13. Library Director;
 - 14. Human Resources Director;
 - 15. Housing Authority Director; or
 - 16. A member of any City board, council, committee, or commission.
- G. "Officer or employee" means an officer or employee of the City of Great Falls or of an agency under the authority of or appointed by the City Commission.

(Ord. 3183, 2017; Ord. 3169, 2017).

2.21.050 - Ethical standards.

In addition to complying with the provisions of Mont. Code Ann. Title 2, Chapter 2, officers and employees of the City of Great Falls shall comply with the following provisions:

- A. No officer or employee of the City of Great Falls shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;

- B. No officer or employee shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;
- C. No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to:
 - 1. impair his or her objectivity or independence or judgment, or
 - 2. substantially conflict with the proper discharge of officer or employee's governmental duties;
- D. No officer or employee shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;
- E. No officer or employee, any member of his or her immediate family, or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties, the appearance of impropriety must be avoided by the acceptance of such a gift;
- F. No officer or employee shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;
- G. No officer or employee, or any business organization in which he or she has an interest, shall represent any other person or party except the City in connection with any cause, proceeding, application, or other matter pending before any agency of the City of Great Falls; except in the process of collective bargaining for public employees or where any officer or employee or members of his or her immediate family shall represent himself, herself or themselves, in negotiations or proceedings concerning his, her, or their own interests;
- H. No officer shall be in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no particular material or monetary gain accrues to him or her, or his or her immediate family;
- I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if in return, no fee, reward, or other thing of value is directly or indirectly promised to or accepted by the officer or a member of his or her immediate family;
- J. No officer or employee, elected or appointed in the City, shall without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or governmental affairs of the City;
- K. No officer or employee shall approve, disapprove, or in any way recommend the payment of any bill, voucher, or indebtedness in which he or she has direct or indirect interests except reimbursement for proper expenses otherwise approved by the City Manager;
- L. No officer or employee shall request, use, or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or advantage for himself or any other person; except where it is the general practice to make the same available to the public at large, or where the same is provided pursuant to stated public policy for the use of officials and employees in the conduct of official business;
- M. All officers or employees shall exercise prudence and integrity in management of public funds in their custody and in all financial transactions;
- N. All officers or employees shall uphold the letter and spirit of the constitution, statutes, and regulations governing their duties and report violations of the law to appropriate authorities;

- O. All officers or employees shall be sensitive and responsive to the concerns and questions of the public; and
- P. All officers, whether elected or appointed, shall file a signed written disclosure with the City Clerk, and City Attorney, disclosing any appearance of a violation of this chapter, and said disclosure may, within the City Manager's discretion, be forwarded to the Great Falls Ethics Committee for determination if a violation of this chapter exists and appropriate course of action.

(Ord. 3169, 2017).

2.21.060 - Great Falls Ethics Committee established.

The City Commission hereby establishes The Great Falls Ethics Committee hereinafter referred to in this chapter as the "Committee."

(Ord. 3169, 2017).

2.21.070 - Committee purpose.

The purpose of the Committee is to ensure that all City officers and employees are performing their duties in compliance with the provisions of Mont. Code Ann. Title 2, Chapter 2, and the provisions of this chapter.

(Ord. 3169, 2017).

2.21.080 - Committee membership.

- A. Subject to the provisions provided in Subsection (B.) of this part, the Committee shall consist of three (3) members and one (1) alternate member, who shall be appointed and ready to serve in the event that a Committee member is unable or unavailable to serve. The members and alternate shall be appointed by the City Commission for not more than three (3) consecutive, three-year terms. Members shall be qualified electors and residents of the City. Members shall not be City employees. As is reasonably possible, the members shall have experience and or training in the following:
 - 1. Public administration;
 - 2. Governmental operation;
 - 3. Political practices; or
 - 4. Legal practice.
- B. The first appointee to the Great Falls Ethics Committee shall serve an initial term of three (3) years, the second appointee shall serve an initial term of two (2) years, and the third appointee shall serve an initial term of one (1) year. Following the expiration of these initial terms, the provisions of Subsection (A.) of this part shall apply.

([Ord. 3201](#) ; 2019, Ord. 3169, 2017).

2.21.090 - Committee meeting schedule.

The Committee shall meet on an as needed basis, no more frequently than once a month, after a matter has been referred to the Committee by direction of the City Manager or City Attorney. Committee meetings shall be held in the Civic Center and shall be open to the public, pursuant to Mont. Code Ann. Titles 2 and 7. Committee meeting minutes shall be maintained by the City Clerk.

([Ord. 3203](#) , 2019; Ord. 3169, 2017).

2.21.100 - Committee duties.

The Committee shall meet and be presented testimony regarding matters referred to it. When considering an ethics complaint, the Committee shall determine whether a complaint appears to be substantiated

based on the information and testimony presented. If the Committee determines that a complaint appears to be substantiated, it may refer the matter to the Cascade County Attorney, or to the supervisor of a public employee who may be the subject of the complaint, for disposition. The Committee shall make written findings of its decision, which will be filed with the City Clerk.

([Ord. 3201](#) ; 2019, Ord. 3169, 2017).

2.21.110 - Nepotism.

All personnel matters shall be administered on the basis of merit and through regular management procedure.

- A. No one participating actively in the appointment of a position, i.e., City Commissioners, City Manager, representatives of the Human Resources Department, the appointing department head, or division head, shall appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree;
 - 1. "Consanguinity" means blood relation and degrees are determined as follows:
 - i. Parent and child are of the first degree;
 - ii. Grandparents, grandchildren, brothers and sisters are of the second degree;
 - iii. Uncles, aunts, nephews, nieces and great grandparents are of the third degree; and
 - iv. First cousins, great uncles and great aunts and great-great grandparents are of the fourth degree.
 - 2. "Affinity" means a relationship by marriage and the degrees are determined as follows:
 - i. Husband and wife are of the first degree; and
 - ii. Brothers-in-law, sisters-in-law, fathers-in-law and mothers-in-law are of the second degree.
- B. No one may be appointed to a position, within a City department, if related or connected by consanguinity within the fourth degree or by affinity within the second degree to any person sitting on a board or commission representing or advising that department.
- C. The above shall include but not be limited to the following:
 - 1. City Commission;
 - 2. Board of Adjustment;
 - 3. Board of Health;
 - 4. Housing Authority;
 - 5. Library Board;
 - 6. Park and Recreation Board;
 - 7. Parking Commission;
 - 8. Planning Board and Zoning Commission;
 - 9. Police Commission;
 - 10. Business Improvement District;
 - 11. Tourism Business Improvement District; and
 - 12. Great Falls Ethics Committee.

(Ord. 3169, 2017).

2.21.120 - Distribution.

The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public officer and employee of the City within thirty (30) days after enactment. Each public officer and employee elected, appointed, or engaged thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

(Ord. 3169, 2017).

Montana Code Annotated 2019

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 2. STANDARDS OF CONDUCT

Part 1. Code of Ethics

Definitions

2-2-102. Definitions. As used in this part, the following definitions apply:

(1) **"Business"** includes a corporation, partnership, sole proprietorship, trust or foundation, or any other individual or organization carrying on a business, **whether or not operated for profit.**

(2) "Compensation" means any money or economic benefit conferred on or received by any person in return for services rendered or to be rendered by the person or another.

(3) (a) "Gift of substantial value" means a gift with a value of \$50 or more for an individual.

(b) The term does not include:

(i) a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered to a charitable organization or the state and that is not claimed as a charitable contribution for federal income tax purposes;

(ii) food and beverages consumed on the occasion when participation in a charitable, civic, or community event bears a relationship to the public officer's or public employee's office or employment or when the officer or employee is in attendance in an official capacity;

(iii) educational material directly related to official governmental duties;

(iv) an award publicly presented in recognition of public service; or

(v) educational activity that:

(A) does not place or appear to place the recipient under obligation;

(B) clearly serves the public good; and

(C) is not lavish or extravagant.

(4) **"Local government"** means a **county**, a consolidated government, **an incorporated city or town**, a school district, or a special district.

(5) "Official act" or "official action" means a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority.

(6) **"Private interest"** means an interest held by an individual that is:

(a) an ownership interest in a business;

(b) a creditor interest in an insolvent business;

(c) an employment or prospective employment for which negotiations have begun;

(d) an ownership interest in real property;

- (e) a loan or other debtor interest; or
- (f) a directorship or officership in a business.
- (7) "Public employee" means:
 - (a) any temporary or permanent employee of the state;
 - (b) any temporary or permanent employee of a local government;
 - (c) a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority; and
 - (d) a person under contract to the state.
- (8) "Public information" has the meaning provided in **2-6-1002**.
- (9) (a) "Public officer" includes any state officer and any elected officer of a local government.
- (b) For the purposes of **67-11-104**, the term also includes a commissioner of an airport authority.
- (10) "Special district" means a unit of local government, authorized by law to perform a single function or a limited number of functions. The term includes but is not limited to conservation districts, water districts, weed management districts, irrigation districts, fire districts, community college districts, hospital districts, sewer districts, and transportation districts. The term also includes any district or other entity formed by interlocal agreement.
- (11) (a) "State agency" includes:
 - (i) the state;
 - (ii) the legislature and its committees;
 - (iii) all executive departments, boards, commissions, committees, bureaus, and offices;
 - (iv) the university system; and
 - (v) all independent commissions and other establishments of the state government.
- (b) The term does not include the judicial branch.
- (12) "State officer" includes all elected officers and directors of the executive branch of state government as defined in **2-15-102**.

History: En. 59-1702 by Sec. 2, Ch. 569, L. 1977; R.C.M. 1947, 59-1702; amd. Sec. 3, Ch. 18, L. 1995; amd. Sec. 1, Ch. 562, L. 1995; amd. Sec. 1, Ch. 122, L. 2001; amd. Sec. 1, Ch. 77, L. 2009; amd. Sec. 2, Ch. 156, L. 2019.

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Montana Code Annotated 2019

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 2. STANDARDS OF CONDUCT

Part 1. Code of Ethics

Rules Of Conduct For Public Officers And Public Employees

2-2-121. Rules of conduct for public officers and public employees. (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

(2) A public officer or a public employee may not:

(a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;

(b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the officer's or employee's agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the officer or employee regulates in the course of official duties without first giving written notification to the officer's or employee's supervisor and department director.

(3) (a) Except as provided in subsection (3)(b), a public officer or public employee may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is:

(i) authorized by law; or

(ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.

(b) As used in this subsection (3), "properly incidental to another activity required or authorized by law" does not include any activities related to solicitation of support for or opposition to the nomination or election of a person to public office or political committees organized to support or oppose a candidate or candidates for public office. With respect to ballot issues, properly incidental activities are restricted to:

(i) the activities of a public officer, the public officer's staff, or legislative staff related to determining the impact of passage or failure of a ballot issue on state or local government operations;

(ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of law governing public meetings of the local board of trustees, including the resulting dissemination of information by a board of trustees or a school superintendent or a designated employee in a district with no superintendent in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors.

(c) This subsection (3) is not intended to restrict the right of a public officer or public employee to express personal political views.

(d) (i) If the public officer or public employee is a Montana highway patrol chief or highway patrol officer appointed under Title 44, chapter 1, the term "equipment" as used in this subsection (3) includes the chief's or officer's official highway patrol uniform.

(ii) A Montana highway patrol chief's or highway patrol officer's title may not be referred to in the solicitation of support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

(4) (a) A candidate, as defined in **13-1-101(8)(a)**, may not use or permit the use of state funds for any advertisement or public service announcement in a newspaper, on radio, or on television that contains the candidate's name, picture, or voice except in the case of a state or national emergency and then only if the announcement is reasonably necessary to the candidate's official functions.

(b) A state officer may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to produce, print, or broadcast any advertisement or public service announcement in a newspaper, on radio, or on television that contains the state officer's name, picture, or voice except in the case of a state or national emergency if the announcement is reasonably necessary to the state officer's official functions or in the case of an announcement directly related to a program or activity under the jurisdiction of the office or position to which the state officer was elected or appointed.

(5) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:

(a) involved in a proceeding before the employing agency that is within the scope of the public officer's or public employee's job duties; or

(b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.

(6) A public officer or public employee may not engage in any activity, including lobbying, as defined in **5-7-102**, on behalf of an organization, other than an organization or association of local government officials, of which the public officer or public employee is a member while performing the public officer's or public employee's job duties. The provisions of this subsection do not prohibit a public officer or public employee from performing charitable fundraising activities if approved by the public officer's or public employee's supervisor or authorized by law.

(7) A listing by a public officer or a public employee in the electronic directory provided for in **30-17-101** of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this section. The public officer or public employee may not make arrangements for the listing in the electronic directory during work hours.

(8) A department head or a member of a quasi-judicial or rulemaking board may perform an official act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a statute and if the person complies with the disclosure procedures under **2-2-131**.

(9) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless the member is also a full-time public employee.

(10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act.

History: En. 59-1706 by Sec. 6, Ch. 569, L. 1977; R.C.M. 1947, 59-1706; amd. Sec. 1, Ch. 59, L. 1991; amd. Sec. 7, Ch. 562, L. 1995; amd. Sec. 3, Ch. 42, L. 1997; amd. Sec. 3, Ch. 122, L. 2001; amd. Sec. 1, Ch. 58, L. 2003; amd. Sec. 1, Ch. 145, L. 2005; amd. Sec. 3, Ch. 173, L. 2005; amd. Sec. 1, Ch. 437, L. 2005; amd. Sec. 1, Ch. 386, L. 2011; amd. Sec. 1, Ch. 14, L. 2013; amd. Sec. 1, Ch. 259, L. 2015; amd. Sec. 3, Ch. 156, L. 2019.

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Montana Code Annotated 2019

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 2. STANDARDS OF CONDUCT

Part 1. Code of Ethics

Enforcement For Local Government

2-2-144. Enforcement for local government. (1) Except as provided in subsections (5) and (6), a person alleging a violation of this part by a local government officer or local government employee shall notify the county attorney of the county where the local government is located. The county attorney shall request from the complainant or the person who is the subject of the complaint any information necessary to make a determination concerning the validity of the complaint.

(2) If the county attorney determines that the complaint is justified, the county attorney may bring an action in district court seeking a civil fine of not less than \$50 or more than \$1,000. If the county attorney determines that the complaint alleges a criminal violation, the county attorney shall bring criminal charges against the officer or employee.

(3) If the county attorney declines to bring an action under this section, the person alleging a violation of this part may file a civil action in district court seeking a civil fine of not less than \$50 or more than \$1,000. In an action filed under this subsection, the court may assess the costs and attorney fees against the person bringing the charges if the court determines that a violation did not occur or against the officer or employee if the court determines that a violation did occur. The court may impose sanctions if the court determines that the action was frivolous or intended for harassment.


(4) The employing entity of a local government employee may take disciplinary action against an employee for a violation of this part.

(5) (a) A local government may establish a three-member panel to review complaints alleging violations of this part by officers or employees of the local government. The local government shall establish procedures and rules for the panel. The members of the panel may not be officers or employees of the local government. The panel shall review complaints and may refer to the county attorney complaints that appear to be substantiated. If the complaint is against the county attorney, the panel shall refer the matter to the commissioner of political practices and the complaint must then be processed by the commissioner pursuant to **2-2-136**.

(b) In a local government that establishes a panel under this subsection (5), a complaint must be referred to the panel prior to making a complaint to the county attorney.

(6) If a local government review panel has not been established pursuant to subsection (5), a person alleging a violation of this part by a county attorney shall file the complaint with the commissioner of political practices pursuant to **2-2-136**.

History: En. Sec. 21, Ch. 562, L. 1995; amd. Sec. 5, Ch. 122, L. 2001.

Created by 

National Heritage Area Planning Retreat
Missouri River National Heritage Area
September 3 – September 4, 2015 at the Great Falls Civic Center

Attendance

Facilitator - Mark Willmarth, Training and Development Coordinator for the City of Great Falls

Board Members in Attendance – Lynette Scriver-Colburn, Ruthann Knudson, Ken Robison, John Taillie, Ellen Sievert, Lindy Hatcher, Tracy Houck, Jane Weber

Board Members Absent - Jerry Taylor absent both days; Gayle Fisher absent on Thursday, 9/3/2015

Guests - Gregory Gordos, City of Great Falls planning staff; Bill Bronson attended portions of both sessions

This retreat was called to help the NHA Board of Directors define how we work and behave when we are together in a meeting AND define how we represent the NHA group when outside of our meetings

Objectives of this Retreat as defined by Mark Willmarth

- Openly and constructively discuss the future direction of this NHA.
- Create goals for the next 1-3 years.
- Decide what is important to accomplish right now (where does the energy of this group need to be right now?).

Two Questions Posed to the Board of Directors by Mark Willmarth

1. Why did you choose to be part of this group?
2. What skills/talents/interests do you bring to the table?

Ken Robison

- His view of history and marketing to visitors in broader view beyond Great Falls.
- Has knowledge and understanding of a regional view of history.

John Taillie

- New to the community, but views the NHS helping MT State Parks and wants MSP to be part of process.
- Is a good communicator and salesman, loves history.
- Does not like to fundraise.

Ruthann Knudson

- Bring the natural resources to attention, as well as the history and concern for ensuring Native American involvement.
- Likes to fundraise and brings experience from pre-history and NPS career.

Tracy Houck

- Sees value of bridging tourism and modern art.
- PGsMA believes downtown business owners can help drive tourism.
- Likes fundraising and has connections throughout the community.

Lynette Scriver-Colburn

- Has a passion for history and culture and sees value of NHA for our regional area.
- Brings educational background in public history and experience in interpretation/history/volunteer mgmt.

Lindy Hatcher

- Wants to bring Lewis and Clark story to the community.
- LC Trail Heritage Foundation is the “voice” of Lewis and Clark and needs to do something locally.
- Strengths in marketing, PR, travel, and lobbying advocacy (goes to Washington DC annually) and LIKES to fundraise.

Ellen Sievert

- She chose to create this group and wanted to be part of its efforts.
- Small communities can pull together and be effective.
- Serves as a conduit to State Historic Preservation Office (SHPO).
- Has background working with non-profit organizations and begging for funding.

Gregory Gordos

- Is an assigned staff member from the City Planning and Development office.
- Happy to help provide any and all staff work.
- Wants to get people engaged.

Jane Weber

- Wants success for our regional area and seen things fail regionally in the past during the LC Bicentennial.
- Brings mediator-like skills to help bring people together for a common goal and has some political connections.

Mark Willmarth's Observations about this NHA Group

- There is much passion in the group, which can be an opportunity or a threat (we cannot get so passionate that we box ourselves in).
- Important to listen to all - conflict is ok, but *unproductive conflict is bad*.

Quotes from Mark Willmarth

- *Diversity creates opportunity to be more innovative and creative, it also creates the potential for unproductive conflict. We CHOOSE how to deal with conflict.*
- *At every meeting, the board should do a check on how you are following your expectation ground rules and behaving together. If you lose your way, people separate farther and farther apart until they fall off the table.*
- *Manage your relationships. That is following PROCESS.*
- *It is important to follow-through on what we decide today. That is taking ACTION.*
- *Being part of a board should be a pleasant – positive – powerful experience.*

Observations about NHAs shared by Mark Willmarth

- Role of the NHA Board of Directors is to create a feasibility study for the regional NHA.
- Community engagement is the key to success of the plan (CLARITY).
- Defining theme(s) will help define the geographic boundary (CLARITY).
- Need to identify the connections that tie the themes together.
- Defining themes first will help identify the geographic boundary for the NHA.
- Widespread support and a commitment from key stakeholders are imperative (ALIGNMENT).
- The feasibility study will determine the level of interest from Congress.

Ellen Sievert said the National Park Service (NPS) must be involved with the feasibility study because the NPS may help fund it and they provide technical support.

Expectations (CURIOSITY)

1. One person speaks at a time.
2. No "buts," **instead use an "and."**
3. Humor is important, don't take ourselves so seriously.
4. Add FUN.
5. Be positive and concise.
6. If you agree, then agree and don't repeat what has been said.
7. Be on time, be prepared and stay on task.
8. Listen for understanding, not judgement.
9. If we make a decisions as a group, support the decision (**inside and outside**).

Minutes

**Meeting of the Board of Directors,
Upper Missouri River Heritage Area Planning Corporation
October 22, 2015
4:00 PM
Gibson Room, Civic Center
Great Falls, MT**

1. Call to Order/Roll Call

Meeting was called to order at 4:01PM.

In attendance: Lynette Scriver-Colburn, Jane Weber, Ken Robison, John Taillie, Ruthann Knudson, Ellen Sievert, Tracy Houck, Gayle Fisher (late), and Gregory Gordos (guest). Absent: Lindy Hatcher.

2. Consent Agenda

a. Name clarification: Weber brought the name change to the board for clarification. The board decided that all we did is add the word "Upper" to the name of the board. The complete name is the Upper Missouri River Heritage Area Planning Corporation. The board also discussed that the name needs to be changed in the official documents we've produced thus far (i.e., the Articles of Incorporation). Weber will contact Bill Bronson about making the changes.

b. Minutes: The minutes from the September 28, 2015, were passed unanimously.

3. Old Business

a. HPAC report: Sievert reported that HPAC will fund up to \$1,000 to pay for the 501(c)(3) application submission fee. Weber asked Scriver-Colburn to draft a thank you to the HPAC.

b. BLM report: Weber reported that she spoke with Jamie Connell (state director for the BLM) about the Upper Missouri River Heritage Area project. Weber mentioned that Connell was upbeat and excited about the project. Connell said that at this point, they wished to be kept informed of the board's activities and progress, and that further involvement is not necessary at this time. This could be revisited down the road. The board decided that it would be appropriate to send her the board's approved minutes and other pertinent correspondence.

The question was brought up about what role the USFS would have on the board. Would a representative hold a board position, or would that person serve in an ex-officio capacity? The board agreed that we need to continue discussions about board development to answer this question, as well as several others that have been brought up in recent weeks.

The board also discussed the issue of keeping our interested parties informed of our activities and progress. The board decided that Gordos would send approved meeting minutes to our partners, as well as any other pertinent correspondence (i.e., a newsletter).

Point of clarification: Gregory Gordos, as a city employee, is the keeper of all of the Upper Missouri River Heritage Area Planning Corporation documents. Board members will come and go, but a city employee serves as the institutional knowledge and continuity from year to year. The board decided that the words "Minutes are available at the City of Great Falls Planning Office" should be added to the approved minutes.

c. Sub-theme discussion: Before we delved into discussion of each topic's sub-themes, the board discussed the necessity of having one person edit all of the sub-themes to create "one voice." The board agreed that this is a good idea. Who will take this task on will be decided on at a later date.

The board then proceeded to discussion on each topic's sub-themes and made further refinements as necessary. Weber tasked each team to review/revise our sub-themes again to make any changes as discussed and agreed upon by the board. These changes were due to Scriver-Colburn by noon on Friday, October 30, for distribution to the rest of the board.

d. Map: Gordos created a draft planimetric map of the draft heritage area boundary. Weber began identifying the locations of historic, cultural, and natural sites with sticky notes, as discussed at earlier heritage area sessions. Weber asked for volunteers to assist her with continuing this task. Knudson and Robison will work with Weber and Gordos; Robison is lead on this project.

4. New Business

a. Draft budget: Weber apologized for not getting the rest of the review sub-committee (Taillie and Scriver-Colburn) together to work on the draft budget. Weber distributed the draft budget for board review. The board discussed each line item and agreed on revisions. Weber will revise the budget and submit it to Bill Bronson as part of the 501(c)(3) application packet. The board also brainstormed a small list of potential grant opportunities.

5. Reports and Announcements

a. Houck announced that the Museum Consortium will be participating in a TBID social media and billboard campaign in 2016 to attract visitors to eat, play, and stay in Great Falls.

Meeting adjourned at 5:45PM.

Next meeting: November 2, 2015

Minutes

**Meeting of the Board of Directors,
Upper Missouri River Heritage Area Planning Corporation
November 2, 2015
4:00 PM
Gibson Room, Civic Center
Great Falls, MT**

1. Call to Order/Roll Call

Meeting was called to order at 4:01PM.

In attendance: Lynette Scriver-Colburn, Jane Weber, Ken Robison, John Taillie, Ruthann Knudson, Ellen Sievert, Tracy Houck, and Gregory Gordos (guest). Absent: Lindy Hatcher and Gayle Fisher.

2. Consent Agenda

a. Minutes: The minutes from the October 22, 2015, were passed unanimously with a few changes.

3. Old Business

a. Update on name change to Upper Missouri River Heritage Area Planning Corporation: Jane Weber reported that she spoke with Bill Bronson, and he told her that the Montana Secretary of State's office approved the name change on October 28, 2015.

b. Review and approval of revised sub-themes: The board decided to remove the "linkage" statements in each sub-theme document. We then moved to discussion and approval of each topic area:

Ice Age/American Indians

Exploration/Settlement

Military

Transportation

Industrial

Art

The revised sub-themes were unanimously approved.

c. Review of map committee work: Weber, Ruthann Knudson, Ken Robison, and Greg Gordos met to discuss historical, cultural, and natural sites/locations within the heritage area boundaries. They decided to identify GIS layers as a first step. Weber passed out a document with the proposed layers that the committee drafted. The board reviewed it, and offered some suggested changes. Weber said she would revise the document and re-distribute to the board for further review. This document will be discussed again at the December 7, 2015, board meeting.

One of the suggested changes was to add an "agricultural features" layer, and to get a better grasp of what that might entail, Tracy Houck offered to contact someone at the Montana Grain Growers Association for information.

Weber reported that Gordos' time is limited and cannot do all of the work that is needed to put this map together, as well as his other duties concerning this board and his job. Craig Raymond (Planning and Community Development Director) will meet with GIS Coordinator Jeff Hedstrom and other staff about the possibility of having Hedstrom assist with this mapping project. Research and data collection and

digitizing takes time and money; therefore, the board may seek additional funding and outside staff (such as a graduate student) for the project.

d. Newsletter discussion: The board decided that the newsletter would be sent out quarterly and in electronic format via Constant Contact. We also discussed that our newsletter needs to have “a look” (a masthead). Houck volunteered her team at Paris Gibson Square to design our masthead for review at our next board meeting.

At each board meeting, we will discuss potential topics, but there will also be a few “standing topics” in every issue. They are: a summation of the meeting minutes, focusing on the highlights for the quarter, and a timeline of where we’ve been and where we’re going. Gordos will assemble, edit, layout, and send the newsletter; individual board members will write the articles. In the first issue, we will feature board introductions and pictures. Weber reported that she would like to see the first issue go out in January 2016. The board also decided that we would like to see some press about our recent activities sometime in either November or early December. Weber and Ellen Sievert agreed to draft a news release for TV and newspapers.

4. New Business

a. Board development: Weber reported that she spoke with Bronson on the topic of board development. His thoughts were that we have the technical capability on the board right now, but we need to think long-term. We need fundraisers, grant writers, and movers and shakers with business and political stature. Also, with the pending city elections, Houck’s role on the board will be discussed if she wins the election. John Taillie mentioned that we are lacking a relationship with the business community and that will need to be strengthened as we add more board members. Knudson also mentioned that tribal representatives could serve in the same capacity as other federal agencies (BLM, USFS, etc.), such as an advisor or on an advisory committee. This is still up for discussion as to how the board will use ex officio members and/or advisors/advisory committees.

The board spent a few minutes brainstorming a few entities that we may want to contact for potential board members. Some of the names mentioned were: D.A. Davidson, Pacific Steel, Calumet, and Northwestern Energy. Gordos agreed to email the board members the list of names from the January 2015 Grand Tour event, as there might be individuals we may want to ask to join the board. We will dedicate more time at the next board meeting on this topic.

5. Reports and Announcements

The board briefly discussed whether the first Monday of each month at 4:00PM still worked for everyone. We decided to shift our meeting time to **4:30PM** and keep our meetings **on the first Monday of every month**.

Meeting adjourned at 5:43PM.

Next meeting: December 7, 2015 at 4:30PM.

Minutes

**Meeting of the Board of Directors,
Upper Missouri River Heritage Area Planning Corporation
December 7, 2015
4:30 PM
Gibson Room, Civic Center
Great Falls, MT**

1. Call to Order/Roll Call

Meeting was called to order at 4:30PM.

In attendance: Lynette Scriver-Colburn, Jane Weber, Ken Robison, John Taillie, Ruthann Knudson, Ellen Sievert, Tracy Houck, Lindy Hatcher, Gayle Fisher, and Gregory Gordos (staff). Guests in attendance: Bill Bronson, Carol Bronson, and Jeff Hedstrom (GIS Coordinator).

2. Consent Agenda

a. Minutes: The minutes from the November 2, 2015, were passed unanimously with the request to refer to Gregory Gordos as “staff” rather than “guest” in future drafts of board meeting minutes.

Jane Weber introduced Jeff Hedstrom to the board and thanked him for his work on the GIS map thus far.

3. Old Business

a. Mapping Sub-committee progress: Gordos reported that the sub-committee (Gordos, Weber, Ruthann Knudson, and Ken Robison) met to continue work on the GIS map. Gordos and Hedstrom also met to discuss where to find the information to create the various layers for the map. They spoke with Damon Murdo (Cultural Records Manager with the Montana State Historic Preservation Office) regarding public information available for this project. Gordos has received shape files from the SHPO of the publically accessible information on historic and cultural sites within our NHA boundaries.

Murdo also informed Gordos and Hedstrom that some of the information regarding cultural sites is *not* public knowledge; however, we could request that information at a later date. To access that proprietary information, a confidentiality form would need to be completed and submitted to the SHPO. A few questions were asked regarding proprietary information/sites not accessible to the public: If the form needs to be signed, should the city or the board take responsibility? Should this board even deal with proprietary information/sites? If the public can’t access the site, why should we bother with including it? After some discussion, the board decided for the time being, we will deal with *public* information and sites. We can re-visit the proprietary information/site issue later, if needed.

Knudson mentioned that there are 37 Karl Bodmer sites within the Missouri Breaks National Monument that should be included on our GIS map. These sites are on BLM land, and the board decided that it would be appropriate to request information and permission from Zane Fulbright (BLM Archeologist, Lewistown Field Office) to include these sites.

Weber reminded the board that the purpose of this map is to create as many GIS layers as possible in order to have maximum flexibility in calling up information on natural, cultural, and historic sites and features this board has determined as important to the establishment of the NHA.

b. Future board members: Weber started this discussion by stating that the board will soon start dealing with fiscal transactions, and because of that, we need a treasurer. We then moved into a brainstorming session of potential people and/or skills/expertise needed to fill out the board. For the sake of brevity and the chance that not every name was captured, only the slate of seven names and any pertinent discussion pieces are recorded in the minutes.

Minutes

**Meeting of the Board of Directors,
Upper Missouri River Heritage Area Planning Corporation
January 25, 2016
4:00 PM
Gibson Room, Civic Center
Great Falls, MT**

1. Call to Order/Roll Call

Meeting was called to order at 4:01PM.

In attendance: Lynette Scriver-Colburn, Jane Weber, Ken Robison, John Taillie, Ruthann Knudson, Ellen Sievert, Tracy Houck, Lindy Hatcher, Gayle Fisher. Guests in attendance: Bill Bronson, Carol Bronson. Absent: Gregory Gordos (staff).

Jane Weber welcomed Randy Morger and Jerry Lehman to the board (official vote was taken later in the meeting under old business).

2. Consent Agenda

- a. Minutes: The minutes from the December 7, 2015, were passed unanimously.

3. Old Business

- a. Informational Report/Election of New Board Members

Jerry Lehman, JCCS Accounting: Carol Bronson and Weber met with Jerry Lehman to ask him to join the board to which he agreed.

Randy Morger, Executive Director of River and Plains Society: Weber and Ken Robison had lunch with Morger, and Robison persuaded him to join the board. He also agreed to join the board.

Brad Livingston, Chamber of Commerce President: Tracy Houck met with Livingston and gave him the background of the proposed NHA and our work thus far, but he was hesitant to commit to joining the board due to his other obligations. Livingston requested information and other documents we've produced. Weber said she would deliver those to him. Livingston wondered if he could tag team his board position with Rebecca Engum. Weber asked Bill Bronson to check our by-laws to see if they allow proxies and advise the board accordingly.

Jason Smith, Governor's Office of Indian Affairs: Ruthann Knudson reported that she has had a difficult time reaching Smith to discuss involvement with the board. Smith has connections with American Indian communities and individuals in Montana and could be useful in helping us in this effort.

Mary Willmarth, Consultant/Fundraising: Carol Bronson reported that she and Sexton have not met yet due to scheduling conflicts.

Bob Rowe, Northwestern Energy: Weber briefly chatted with Rowe in Butte about NWE involvement on the board. A more formal meeting was set up for Wednesday, January 27, 2016 to continue discussions. A motion was made to officially bring Lehman and Morger onto the UMRHAPC board of directors. Houck made the motion, and Lindy Hatcher seconded. Motion passed unanimously.

b. Update on the 501(c)(3) submission (NOTE: this item was moved to this portion of the meeting due to Bronson needing to leave early.)

Bronson reported that conflict of interest forms should be updated once a year and kept on file. Blank forms were passed out to board members for signatures and given to Lynette Scriver-Colburn for keeping.

Bronson also reported that the final version of the 501(c)(3) packet was almost ready for submission, but he wanted the board to review it for edits and vetting, particularly Part IV Narrative section. Any edits to the packet should be sent to Weber and Lehman by COB Monday, February 1, 2016, so they can make any necessary changes before Bronson sends in the packet.

Bronson and the rest of the board again discussed whether we should fill out Form 5768, which is needed if we plan to do a “substantial” amount of lobbying. Weber mentioned that we will be contacting local, state, and national politicians regarding the proposed NHA, and hopefully getting letters of support, etc. We can do some lobbying without having the form on file, but Bronson’s suggestion was that we err on the side of transparency and go ahead and complete the form. A motion was made that this board will submit an application for 501(c)(3) status and that it identifies itself as attempting to influence legislation regarding the establishment of a national heritage area in northcentral Montana. Motion was passed unanimously.

Again, the UMRHAPC board of directors thanks Bill Bronson on his work on this application!

c. Logo discussion: Houck reported that her team researched other NHA logos and contacted some of them for advice. Houck received some great advice, and she wanted to type up her research and logo ideas for the sub-committee to review. Weber stated that we shouldn’t delay this decision much longer.

d. Newsletter: Weber reported that she and the newsletter sub-committee met to discuss article topics for the first newsletter. They are:

- Note from Chairperson
- Introduction of the Board of Directors
- Historical article on some aspect within the proposed NHA
- Link to the city website that would house our by-laws and Articles of Incorporation
- Article about the April public meeting
- Article on the GIS map progress and intended outcome

Robison has drafted an article relating to the history of the White Cliffs area. It was also mentioned that we should have an article about the recent strategic planning session and a map of our working boundaries of the UMRHA. Knudson will research a Library of Congress number for our newsletter. The board also discussed emailing the newsletter to individuals who attended our first public meeting, as well as individuals in the Sun River Valley, Fort Benton, Monarch, Neihart, etc. Weber asked when the board wanted the first issue to go out, and the board agreed to send it after the strategic planning session in early February 2016.

e. Update on GIS map: Jeff Hedstrom gave the board a handout of the 9 categories and 20 layers that have SO FAR made it into the GIS map. This is still a work in progress. Hedstrom and Gregory Gordos were encouraged to refer to the comprehensive list of layers, categories, etc. that the map sub-committee (Weber, Robison, and Knudson) created. Hatcher could also assist in getting information regarding the Lewis and Clark pieces of the GIS map. Morger will be the point of contact for any information about Fort Benton and Chouteau County. Houck reported that based on a conversation with her contact at Montana Grain Growers that there isn’t a lot of “official and accurate” information regarding agricultural features. Knudson reported that there should be a database created that is separate from the map. She has already talked to Gordos about it, and Hedstrom said he would check into how to create one.

Thank you, Jeff, for the work you've done on the map thus far!

f. Public meeting date and speaker: Ellen Sievert along with Knudson, Weber, John Taillie, and Connie Caouette will form the planning committee for the public meeting. The board agreed to April 1, 2016, in the evening. The board decided not to extend the meeting over two days, as they felt all of the necessary information could be covered in one evening.

Sievert reported that Ken Egan (Executive Director of Humanities Montana) would like to give the board money for this event. Also, we are still in need of a speaker. Carroll Van West is unavailable, so Sievert will ask Alexandra Hernandez (NPS, Denver) for a name.

g. Pre-meeting with Congressional delegation: Weber will send a letter (with our logo) to our Congressional delegation/staff to invite them to a special meeting the week of the public meeting.

h. Strategic planning session objectives: The dates for the strategic planning session are February 4 (afternoon) and 5 (morning). Weber and Sievert will meet with Mark Willmarth to discuss the objective(s) of the session. Some topics the board wanted to make sure were included were: the steps to get a feasibility study completed and how to ensure a "yes" vote from Congress. Weber mentioned that having Alexandra Hernandez here will be very beneficial to us in our planning for the designation since she has been through this process with other NHAs. We should be looking to create an action plan for the next 18-24 months.

4. New Business

a. Discussion on Consensus Determination of Eligibility of Properties to the NRHP: Knudson reported that Consensus-Determined properties have been determined to be nationally significant without formal listing on the National Register of Historic Places (NRHP). Under Section 306102 (formerly Sec. 110) of the National Historic Preservation Act (NHPA) each federal agency is responsible for identifying, evaluating, nominating to the NRHP, and protecting historic properties; this has been a part of NHPA since 1980. Because of the time involved in formal NRHP nomination of historic properties, federal agencies have included a recommendation of NRHP eligibility on site forms filed with the SHPO. When the SHPO concurs with the recommendation, it is a de facto NRHP nomination. Thus, sites that have consensus determinations are of national significance, and we should consider them as such.

5. Reports and Announcements

Taillie and Sievert reported that the 2016 Western Planner/Montana Association of Planners Joint Conference will be held in Great Falls August 10-12, 2016. Should we look into presenting on our NHA, whether it is a presentation or at an informational booth? Taillie will look into this.

Knudson will be attending the Montana Archeological Society annual meeting in April, and she would like to present on our proposed NHA. The board would like her to draft her presentation and have it vetted by the board.

6. Public Comment

None

Meeting adjourned at 5:46PM.

Next meeting: February 22, 2016 at 4PM.

Minutes

**SPECIAL Meeting of the Board of Directors,
Upper Missouri River Heritage Area Planning Corporation
February 5, 2016
12:00 PM
Gibson Room, Civic Center
Great Falls, MT**

1. Call to Order/Roll Call

Meeting was called to order at 11:36AM.

In attendance: Lynette Sriver-Colburn, Jane Weber, Ken Robison, John Taillie, Ruthann Knudson, Ellen Sievert, Gayle Fisher, Tracy Houck, Randy Morger, and Gregory Gordos (staff). Guests in attendance: Bill Bronson, Carol Bronson. Absent: Lindy Hatcher and Jerry Lehman.

2. Old Business

a. Update from public meeting planning committee: The committee met and drafted an agenda for the April 1st public meeting. See agenda handed out at the meeting for more details. The meeting will incorporate the existing logo and original theme of the “Grand Tour.” Ken Robison suggested that we create a 1-2 page handout for attendees, and Jane Weber said that we should have printed copies of our first newsletter available, as well. Gayle Fisher will see about getting some iPads for the meeting and formatting a contact form for public attendees to fill out their contact info. It was also suggested that we allow the public to give us feedback on the proposed boundaries of our NHA. To facilitate that, Gregory Gordos will rework the map to make it clearer for the public. Another suggestion was to add a Question & Answer period to the agenda. Additionally, John Taillie and Randy Morger will draft a comment/feedback form for the public attendees. Weber will prepare a PowerPoint that she will show at the next board meeting. Fisher will get images to Weber.

Weber’s assistant Michaela Fraser has been working on creating a master contact list that includes individuals from the first public meeting over a year ago, as well as some additional interested parties. There are some holes in the list, as many did not include an email address. Michaela used Weber’s email address book as a basis of information, but Weber does not have everyone. Weber will send the board the contact list, and if we know anyone’s contact info, forward that to Michaela.

Ellen Sievert and Gordos will work on a “save the date” e-postcard to send to the board and other interested parties. Robison will create a Facebook event to help spread the word.

The board also discussed the need to raise money to put on the public meeting. We agreed that \$700 should cover the costs. The board brainstormed a list of potential donators:

- River and Plains Society is in for \$100, but Morger will confirm.
- NorthWestern Energy: Weber will ask for \$100.
- HPAC: Sievert will ask for \$100.
- US Bank: Ruthann Knudson will ask for \$100.
- Fort Benton Community Improvement Association: Morger will ask for \$100.
- 1st Interstate Bank: Knudson will ask for \$100.
- CM Russell Musuem: Sievert will ask Michael Duchemin for \$100.
- TBID: Gayle Fisher will ask for \$100.

Checks should be made out to the City of Great Falls, and they will handle the financial end of this until we are ready to open our own account.

b. Logo recommendation: The sub-committee reported that they do not have a logo recommendation yet, as they do not have a re-design from Aaron (Paris Gibson Square). The sub-committee needs to get this accomplished before we can get the newsletter sent out. Morger agreed to join the committee. Bill Bronson said he will try to get the State to trademark our logo once we have it finalized.

c. Ex-officio discussion: Carol Bronson and Michael Duchemin are not officially ex-officio members on the UMRHAPC board of directors. The board briefly discussed what skills or connections Bronson and Duchemin bring to the board. Bronson represents the interest of the Downtown Development Partnership and is interested in celebrating history, culture and the natural environment with the downtown businesses. Duchemin is the executive director of the CM Russell Museum and brings “bigger picture” ideas in administration and fundraising. A motion was made to officially vote Bronson and Duchemin onto the board as ex-officio members. The motion was seconded, and it passed unanimously.

The board also decided, based on our action plans, that we need a person who could serve as the political liaison for the UMRHAPC. This person would be the point person in making contacts with politicians at all levels. The board agreed to ask Bill Bronson to fill this role, and he agreed. A motion was made, and it passed unanimously.

The board discussed whether we should ask Brad Livingston (Chamber of Commerce President) to serve as a full board member or in an ex-officio capacity. Considering his reluctance to commit to as a full board member, the board agreed it would be appropriate to ask him to join as an ex-officio. Tracy Houck and Bill Bronson agreed to speak with Livingston again.

Knudson reported that she is still not having much luck in contacting Jason Smith (Governor’s Office of Indian Affairs). She also tried to contact other contacts in Indian country but was also unsuccessful in those efforts. Knudson and Fisher agreed to contact Heather Sobrepena-George (at the State Commerce Department) to see what kind of assistance she can offer. The board discussed whether we should just rely on the expertise we have on the board. We probably will not get someone to serve as a full board member or even as an ex-officio. The board agreed that we will engage them in other ways down the road.

The board decided that we needed to close the loop with those we have previously asked to join the board. Taillie agreed to talk with Mary Sexton and report to the board. Jerry Taylor (a former board member) was unsuccessful in contacting Gerri Jennings. Carol Bronson will follow up with Mary Willmarth about joining as an ex-officio member for fundraising.

The question was asked whether board members have to chair any board committees. According to our by-laws, we can do what we want. As a general policy, however, board members should chair board committees, but ex-officio and non-ex-officio members can serve on committees.

Kristi Scott (Paris Gibson Square) has asked if she can join the board. She brings tourism, museum, and fundraising experience to the table. The board seemed split on whether we were comfortable with the idea of having two individuals from the same organization (Tracy Houck being the other from PGS). Maybe we ask her to join as an ex-officio for fundraising purposes? However, we need to clarify whether Kristi can fundraise for the UMRHAPC and PGS. Weber said she will follow up.

3. Reports and Announcements

None

4. Public Comment

Minutes

**Meeting of the Board of Directors,
Upper Missouri River Heritage Area Planning Corporation
February 29, 2016
4:00 PM
Gibson Room, Civic Center
Great Falls, MT**

1. Call to Order/Roll Call

Meeting was called to order at 4:00PM.

In attendance: Lynette Scriver-Colburn, Jane Weber, Ken Robison, John Taillie, Ruthann Knudson, Ellen Sievert, Tracy Houck, Jerry Lehman, Gregory Gordos (staff), Bill Bronson (legal counsel). Guests in attendance: Brad Livingston. Absent: Gayle Fisher, Lindy Hatcher, Carol Bronson (ex-officio), Michael Duchemin (ex-officio).

Jane Weber introduced Brad Livingston, CEO/President of the Great Falls Chamber of Commerce, and welcomed him to our board meeting. The board introduced ourselves to Livingston and explained our roles and interest in participating on this project.

2. Consent Agenda

a. Minutes: The minutes from the January 25, 2016, and February 5, 2016, meetings were passed unanimously.

3. Old Business

a. Informational Report/Election of New Board Members

Brad Livingston, Chamber of Commerce President: Livingston told the board that he is contemplating our invitation to join the board. Jane Weber mentioned that she would like to see him participate as either a full board member or an ex-officio. NHAs are good for economic development and tourism and showcase the whole spectrum of northcentral Montana. The Chamber of Commerce will be a major player in its development.

Jason Smith, Governor's Office of Indian Affairs: Ruthann Knudson reported that Smith has declined our invitation to join the board. Knudson also mentioned that the Friends of the Missouri Breaks wants to stay informed of our progress.

Mary Willmarth, Consultant/Fundraising: Weber reported that she had a productive meeting with Willmarth and thinks she will join the board. Weber said she will follow up with Willmarth this week.

Bob Rowe, Northwestern Energy: Ellen Sievert reported that she has not heard anything more from Rowe. She will follow up.

Mary Sexton: John Taillie reported that Sexton accepted our invitation to join the board as an ex-officio. She will be a great asset to this board. Motion was made to accept Sexton as an ex-officio; passed unanimously.

Concerning Randy Morger's resignation, Weber and Ken Robison have been talking to him about staying on the board. Morger will not change his mind about his resignation; therefore, the board of the

UMRHAPC accepts his resignation. Robison said that he will talk to Larry Cook, the new board chair, about appointing someone to fill Morger's spot.

b. Update on the 501(c)(3) submission

Weber, Knudson, and Jerry Lehman reviewed the 501(c)(3) packet before handing it back to Bill Bronson for final revisions and submission.

c. Logo discussion

Robison, Sievert, and Gregory Gordos have been working on the UMRHAPC logo, but the committee has not yet finalized the design. Tracy Houck suggested that the committee meet with Aaron in person to work on it. Weber stated that she would like a finalized logo by April 1.

d. Newsletter

The articles for the first edition of our newsletter are as follows:

- Note from Chairperson
- Introduction of the Board of Directors
- Historical article on some aspect within the proposed NHA
- Link to the city website that would house our by-laws and Articles of Incorporation
- Article about the April public meeting
- Article on the GIS map progress and intended outcome

Gordos has created a template for the newsletter and will undergo board review before sending it out to the public. Knudson and Gordos will work on getting the newsletter registered with the Library of Congress. Weber stated that she would like to send the newsletter out before April 1 to all of those listed in our contact database.

e. Update on GIS map

Gordos reported that there has not been much progress on the project since our last meeting. He revised the base map with a clearer and bolder boundary so it's easier to see.

Gordos also reported that there will be an intern hired in the planning office, and that person could assist with the map and database project. The intern and the hiring committee are in negotiations. A decision should be made soon.

The board had a brief discussion concerning our working NHA boundary. Weber mentioned that as of right now, our boundary cuts the Rocky Boy's Reservation in half. This is because we are following county lines rather than an arbitrary boundary. However, we could engage the public in a discussion as to whether that boundary could be or should be changed. Knudson pointed out that there are Fort Belknap Reservation properties within the NHA boundaries, and when the time comes, we will need to consult with both the Rocky Boy's and Fort Belknap tribal officials. The question was again raised about whether we want to extend our boundary to the Gates of the Mountains, or should we wait for the April 1 public meeting. A motion was made to extend to the boundary to the Gates of the Mountains; passed unanimously. The exact boundary to be determined; Jeff Hedstrom will look into a natural boundary.

As a point of emphasis, we need county, city, and community buy-in for this project to be successful. We must be diligent in securing support.

f. April 1, 2016 Public Meeting final agenda

DEDICATED TO PROMOTING BUSINESS, QUALITY OF LIFE, AND ECONOMIC DEVELOPMENT

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Member Login

Community Conversation: Upper Missouri River Heritage Area

Share:

Name: Community Conversation: Upper Missouri River Heritage Area

Date: April 2, 2018 - May 2, 2018

Website:
<http://www.uppermissouririverheritage.org>

Event Description:
Join other community members to learn about our efforts to create a National Heritage Area that includes Lewis and Clark County, Cascade County, and Choteau County. Conversations will include: - How is a National Heritage Area created? -What would it mean for Helena/ Lewis & Clark County tourism and our local economy? - What key historic and cultural sites are included? -How can you get involved?

[To Current Calendar](#)

Location:
Montana Historical Society Auditorium

Date/Time Information:
Monday, May 1, 2018 6-8pm refreshments will be served

Contact Information:
For information contact:
Jane Weber (406) 454-6814
[Send an Email](#)

Fees/Admission:
Free and open to the public. Come join the conversation!

Set a Reminder:

Enter your email
address below to
receive a reminder
message.

-- Select Days
Before Event --

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** INDICATES REQUIRED FIELD*

NAME *

First

Last

EMAIL *

COMMENT *

Got Questions?

To learn more about the plans for the proposed Big Sky Country National Heritage Area, please contact Jane Weber, Chair of the Big Sky Country Board of Directors during the day at (406) 454-6814.

Email Jane Weber if you would like to be added to our email list, so that you know when the next public meeting is or when we send out the latest news and information.



☐ I agree to receiving marketing and promotional materials*

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(c) Big Sky Country National Heritage Area 2020

UA-110156088-1



ETHICS COMPLAINT

Name of Complainant: <u>Jeni Dodd</u>	
Complainant's Address: <u>PO Box 6373 Great Falls, MT 59406</u>	
Complainant's Phone Number: <u>406-590-5364</u>	Email address: <u>jeni@jenidodd.com</u>
Preferred method of contact (check one): <input type="checkbox"/> Mail <input checked="" type="checkbox"/> Email	

Subject of Complaint (person you are complaining about):	
Name: <u>See next block</u>	
Title: _____	

<p>BASES FOR COMPLAINT: Please state in detail all laws, regulations or codes which are alleged to be violated, and provide a detailed description of the alleged violation of each law, regulation or code. Attach all documents or other information supporting your complaint.</p> <p>Basis: Letter asserting violations under Montana Code Annotated and city code</p> <p><u>was previously sent to County Attorney Sara Sexe in an email and is in her possession.</u></p> <p><u>Subject of complaint: City officials/employees named in letter. In addition any unnamed city official(s)/employee(s) who authorized city employee time, resources and facilities to benefit the private, non-profit Big Sky Country National Heritage Area Inc.</u></p> <p>_____</p> <p>_____</p> <p>Please write on the back of this form, or attach additional pages, if you need more space.</p>
--

<p>Please state whether you are asserting a privacy right which you believe would require a closed meeting on the matter. If you believe you have a privacy right, please state whether you are waiving that right, and if you agree to the meeting on this issue being open. If you are not waiving your privacy right, please set forth the reasons for asserting the privacy right.</p> <p>_____ I am asserting a privacy right and request a closed meeting, for the following reasons:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>X I am not asserting a privacy right and agree to an open meeting.</p>

By signing this form, I verify that the statements in this Complaint are true and correct and that I have attached true and correct copies of any supporting documentation.

Signature Jeni Dodd (electronically signed) Date: 09/29/20

Return completed Ethics Complaint form to the City Manager's Office, Civic Center Room 201, 2 Park Drive South, Great Falls, MT 59401



RESPONSE TO ETHICS COMPLAINT

Name of Subject of Complaint (your name): Melissa Kinzler

Address: 2 Park Drive South, Room 104, Great Falls, MT 59401

Phone Number: 406-455-8476 Email address mkinzler@greatfallsmt.net

Name of Complainant and Date of Complaint: Jeni Dodd 9/29/20

Preferred method of contact (check one): ☐ Mail ☒ Email

RESPONSE TO COMPLAINT **DUE WITHIN 10 BUSINESS DAYS OF DATE COMPLAINT MAILED OR EMAILED TO SUBJECT**

Please state your response to the Complaint against you, by providing a detailed description of your response to each alleged violation, along with all documents or other information supporting your response.

The Finance Department sets up projects for Departments to track revenues and expenses. Projects were setup to track the revenues and expenses. The Department also helps receipt in revenues and process expenses (paying vendors) for Departments (Planning & CD).

Please write on the back of this form, or attach additional pages, if you need more space.

Please state whether you are asserting a privacy right which you believe would require a closed meeting on the matter. If you believe you have a privacy right, please state whether you are waiving that right, and if you agree to the meeting on this issue being open. If you are not waiving your privacy right, please set forth the reasons for asserting the privacy right.

 I am asserting a privacy right and request a closed meeting, for the following reasons:

X I am not asserting a privacy right and agree to an open meeting.

By signing this form, I verify that the statements in this document are true and correct and that I have attached true and correct copies of any supporting documentation.

Signature: Melissa Kinzler Melissa Kinzler Date: 10/7/2020

Return completed Ethics Complaint form to the City Manager's Office, Civic Center Room 201, 2 Park Drive South, Great Falls, MT 59401



RESPONSE TO ETHICS COMPLAINT

Name of Subject of Complaint (your name): Craig Raymond, Director, Planning & Community Development, City of Great Falls

Address: 2 Park Drive N

Phone Number: 406-455-8530

Email address: craymond@greatfallsmt.net

Name of Complainant and Date of Complaint: Jeni Dodd

Preferred method of contact (check one): ☐ Mail ☒ Email

RESPONSE TO COMPLAINT DUE WITHIN 10 BUSINESS DAYS OF DATE COMPLAINT MAILED OR EMAILED TO SUBJECT

Please state your response to the Complaint against you, by providing a detailed description of your response to each alleged violation, along with all documents or other information supporting your response.

See attached

Please write on the back of this form, or attach additional pages, if you need more space.

Please state whether you are asserting a privacy right which you believe would require a closed meeting on the matter. If you believe you have a privacy right, please state whether you are waiving that right, and if you agree to the meeting on this issue being open. If you are not waiving your privacy right, please set forth the reasons for asserting the privacy right.

☐ I am asserting a privacy right and request a closed meeting, for the following reasons:

☐ I am not asserting a privacy right and agree to an open meeting.

By signing this form, I verify that the statements in this document are true and correct and that I have attached true and correct copies of any supporting documentation.

Signature: _____

Date: _____

Return completed Ethics Complaint form to the City Manager's Office, Civic Center Room 201, 2 Park Drive South, Great Falls, MT 59401



Planning & Community Development
Room 112
2 Park Drive South
Great Falls, MT 59401

October 13, 2020

Dodd Ethics Complaint Response

In response to the Dodd ethics complaint I will start by stating I will only respond to those allegations that are somehow levied either at myself, my staff for whom I am responsible for or any knowledge that I may have of a certain allegation. The allegations contained in the letter to County Attorney Josh Racki name numerous individuals and situations for which I either have no knowledge of or should be reasonably expected to have knowledge of. As such, I will only speak for myself and mine and offer no answer or defense of others.

To preface the response to Dodd's allegations, some background is offered. To the best of my knowledge, the idea of a National Heritage Area (NHA) was born in the Planning and Community Development Office of the City of Great Falls. Or at least it was brought to our attention as a possible idea which could, if community interest and support proved sufficient, benefit the local economy through tourism and to help strengthen and highlight the rich local cultural and historical resources. Initially, city staff was instrumental in coordinating a community effort to gauge interest and support for such a monumental project. Eventually, I began to wean the NHA group off of P&CD assistance because I always felt that if this idea were to truly succeed, it would have to be self-sufficient lest it be another plan or idea that merely collects dust on a bookshelf. Additionally, Planning and Community Development has many competing priorities being such a diverse department and the amount of time available to fully serve the NHA effort was not available on a full-time basis. In time, the group incorporated as a non-profit organization. Well on its way to becoming a successful grass-roots community centered organization that benefits the local population. Although my direct involvement has been minimal, I have at various times supported and granted staff resources towards this worthwhile effort. And it is with pride that I follow the efforts and activities related to the BSCNHA and their progress towards the goal of seeking congressional designation as a NHA.

In general, Dodd's complaints appear to center on the allegation that city staff may have either been involved in a conflict of interest and/or committed other ethics violations. She

includes multiple specific allegations and attaches portions of state statutes pertaining to the Code of Ethics and Rules of Conduct as well as portions of city code also pertaining to Code of Ethics for officers and employees of the City of Great Falls. These include highlighted sections which presumably indicate those rules or codes which she alleges are violated in relationship to the BSCNHA Inc. or are offered as supporting information as to official definitions etc...

On page 2 (lower portion of page) of Dodd's letter to Racki she states that:

"1. BSCNHA Inc planned to solicit funds from local businesses to put on a presentation and have checks made out to the City of Great Falls. It is not mentioned which city employee or officer arranged for this but it appears to be a conflict of interest. Why should the city be accepting funds on behalf of a private non-profit, non-governmental organization?"

I offer the following in response: I do not know which city employee or official arranged for this but it seems logical to me that the BSCNHA would do so if it did not have accounts of their own at that point. City accounts are subject to regular, thorough audits and done so in a transparent manner. This procedure would likely result in a higher degree of accountability and safety especially considering many of the early founding participants of the group were indeed government employees and officers who's efforts were an official function of government departments flying under the flag of The City of Great Falls. I would speculate that if funds were arranged to be deposited in the personal accounts of members of the board or those persons involved in the effort, a "conflict of interest" would be an actual concern. These early efforts were indeed officially acknowledged and sanctioned by the City Commission on multiple occasions. Dodd cites MCA 2-2-121 (2) (a) and OCCGF 2.21.050 Ethical Standards as evidence or definition of violations. I do not deny that a city employee including myself or others may have arranged for or allowed the deposit of private funds into city accounts for the purposes of assisting the NHA effort. In my opinion, the MCA seems to indicate it would be a violation if the NHA effort or 501c3 were for personal business, use or benefit. As it turns out, the NHA effort was sanctioned by City Commissioners (City of Great Falls Growth Policy Update) as an effort that would benefit the entire community, not the members of the group or organization. Further, the OCCGF Ethical Standards highlighted by Dodd (again presumably to indicate which standards are at issue here) are 2.21.050 (A) which states" *No officer or employee of the City of Great Falls shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;*" The efforts and resources that were committed to the NHA effort were in no way in conflict with the discharge of my/our duties. In fact, it is quite common and expected that city employees commit themselves in efforts that benefit the community in many different ways, economically, socially and culturally. This effort would be in keeping with the discharge of our duties and not in conflict.

Dodd also highlights 2.21.050 (B) which states: *"No officer or employee shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;"* In response, I attest that no city employee under my supervision personally gained any "privileges" or "advantages" as a result of the time committed to the NHA

effort. Any advantages or privileges actually gained through the NHA would be to “the people” as a whole who entrust city staff to work hard to protect their interests and to produce fruit for the community. Dodd also highlights section (L) which states: “*No officer or employee shall request, use, or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or advantage for himself or any other person; except where it is the general practice to make the same available to the public at large, or where the same is provided pursuant to stated public policy for the use of officials and employees in the conduct of official business;*”

In response: No employee under my supervision were personally inconvenienced or gained advantage in any way by the use of “public property or equipment” during times of work (or after) on the NHA project or as a result of the NHA project. As previously mentioned, the NHA effort was known and sanctioned by the City Commission, published and adopted within the 2013 Great Falls Growth Policy Update and was formally adopted as an annual work plan goal by the City/County Historic Preservation Advisory Board. As such, the property and equipment used were for the benefit of the citizens of the City of Great Falls and Cascade County.

On page 3 of Dodd’s complaint, she quotes something of unknown origin. I can only assume that she is quoting meeting minutes but then proceeds to state that the city and BSCNHA refuse to provide minutes through a FOIA request. The only information I can offer is that P&CD staff should have provided meeting minutes if they were in our possession. P&CD staff will again review the FOIA request with the City Clerk and City Attorney’s office and correct mistakes if any.

Page 3&4 of the Dodd complaint note what appear to be quotations from official meeting minutes that appear to indicate that work by city staff was performed on city time using city equipment and she provides her own editorial comment “*The non-profit tax returns for BSCNHA Inc and UMRNHA Inc were postcard IRS Form 990, meaning they had less than \$50,000 in income. Clearly then, BSCNHA Inc didn’t possess the resources to reimburse the city for this work.*”

My reply: I make no assumptions as to the ability of BSCNHA or UMRNHA to reimburse the city for the work, we offered the work as an ongoing and authorized effort as a governmental activity designed to benefit the community in which we serve. No reimbursement was sought or expected. This commitment of time and resources was more significant early on in the effort when it was a fledgling group pursuing the feasibility of whether a NHA could be supported in our region. Again, the commitment of city resources were transparent and served a sanctioned and authorized purpose.

Page 5 of the Dodd complaint, Dodd makes the assertion that city staff claimed the BSCNHA Inc meetings were deemed “city meetings” and therefore provided room usage free of charge. My response to this is that the room usage were indeed city organized and sanctioned meetings as the NHA effort was initiated by city staff as an official city function. We also would have continued to support the effort subsequent to the articles of incorporation for at least a

couple of reasons: 1. The NHA project was a sanctioned activity with a clear governmental purpose of benefiting the citizens of the City of Great Falls and Cascade County. It is understood that city departments and/or staff can act as “hosts” for a meeting and receive the “city discount” for room usage. The distinction of acting as a “host” vs a meeting deemed a “city meeting” may not matter in this situation, but I think it should be noted that staff did not intentionally deceive anyone within the city organization or greater community in order to personally gain from or receive the benefit of a discounted rate. Logically, city staff would continue to support an effort it inspired to begin with and still desires to see the NHA project be successful.

The information contained herein reflect my knowledge of each situation to the best of my recollection of events as they transpired or as they may have been directed by me and are my responses to those allegations by Ms. Dodd contained in the letter to Mr. Racki dated August 25, 2020. Additionally, the involvement of Planning and Community Development staff would have been directed or allowed by me as the director and any responsibility for our actions and efforts should rest with me.

If there are any questions or clarification is needed on any responses, please don't hesitate to contact me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Craig Raymond', with a long horizontal flourish extending to the right.

Craig Raymond
Director, Planning & Community Development
City of Great Falls



RESPONSE TO ETHICS COMPLAINT

Name of Subject of Complaint (your name): Tom Micuda, Deputy Director, Planning and Community Development, City of Great Falls

Address: 2 Park Drive North

Phone Number: 406-455-8432 Email address: tmicuda@greatfallsmt.net

Name of Complainant and Date of Complaint: Jeni Dodd September 29, 2020

Preferred method of contact (check one): ☐ Mail ☒ Email

RESPONSE TO COMPLAINT DUE WITHIN 10 BUSINESS DAYS OF DATE COMPLAINT MAILED OR EMAILED TO SUBJECT

Please state your response to the Complaint against you, by providing a detailed description of your response to each alleged violation, along with all documents or other information supporting your response.

Please see attached letter and attached document.

Please write on the back of this form, or attach additional pages, if you need more space.

Please state whether you are asserting a privacy right which you believe would require a closed meeting on the matter. If you believe you have a privacy right, please state whether you are waiving that right, and if you agree to the meeting on this issue being open. If you are not waiving your privacy right, please set forth the reasons for asserting the privacy right.

☐ I am asserting a privacy right and request a closed meeting, for the following reasons:

☒ I am not asserting a privacy right and agree to an open meeting.

By signing this form, I verify that the statements in this document are true and correct and that I have attached true and correct copies of any supporting documentation.

Signature: *Tom B. Micuda*

Date: 10/13/20

Return completed Ethics Complaint form to the City Manager's Office, Civic Center Room 201, 2 Park Drive South, Great Falls, MT 59401.



Planning & Community Development Dept.

P.O. Box 5021 Great Falls, MT 59403

October 15, 2020

Dodd Ethics Complaint Response

This response is being provided to the complaint filed by Jeni Dodd. The complaint was initially submitted to Cascade County Attorney Josh Racki, but the complaint was also forwarded to City Attorney Sara Sexe. The complaint raises possible conflicts of interest and ethics violations regarding the use of government facilities and employees to benefit a non-government organization/private corporation (The Big Sky Country National Heritage Area Corporation or BSCNHA, Inc.).

In reviewing Ms. Dodd's letter provided to Josh Racki and Sara Sexe, I can attest that I have no first-hand knowledge regarding Items 1 and 2 of her complaint against the City outlined on pages 2-5 – with one exception. The reason I have no first-hand knowledge is that my first day of employment with the City of Great Falls was on March 28, 2016. The examples cited by Ms. Dodd under Items 1 and 2 cover a time frame ranging from September 3, 2015 to February 29, 2016.

I do have knowledge and can respond to Ms. Dodd's allegation which states the following:

"Special Note: The city has refused to provide BSCNHA Inc meeting minutes through a FOIA request and instead stated that the minutes would need to be requested from BSCNHA Inc. BSCNHA Inc has also refused to provide the minutes upon request, stating that as a private non-profit, they are not required to respond to public requests for meeting minutes. Since the BSCNHA Inc meeting minutes are kept by a city department, then they should be subject to my original FOIA request and my request for all minutes for BSCNHA Inc should have been honored."

In my role as Deputy Director, I am occasionally consulted regarding how to respond to FOIA requests. I do recall being contacted about the specific request noted by Ms. Dodd. When I was contacted, I was under the impression that the request was for minutes of the Heritage Area Board **after** they had established themselves as an official 501 c3 Non-profit organization. If I had been told that the request was also seeking Board proceedings **before** the group achieved non-profit status, I would have readily assisted to provide any archival information that our department possesses. Our department does have archival minutes of this group, and I can provide this documentation to Ms. Dodd if it is still needed.

While I do not possess first-hand knowledge of Ms. Dodd's complaints for the period of time that precedes my employment with the City of Great Falls, I did supervise Mr. Gordos, who is references in the complaint, for a very brief period of time before his departure later in 2016. I was also a co-worker of Mr. Hedstrom during our time at the City. I can attest that Mr. Gordos and Mr. Hedstrom provided assistance to the Corporation during my time as a City employee.

Although my name is not mentioned in the complaint, I can attest that I provided a small amount of assistance to the BSCNHA during my time at the City from roughly July of 2016 through June

of 2020. My assistance, which was minimal in relation to my other job responsibilities, generally consisted of the following activities:

- Responding to requests from the BSCNHA Board Chair for the use of City meeting rooms (noted in Ms. Dodd's complaint – Item 3, page 5); and
- Providing the department's conference phone for Board meetings when requested by the Chair; and
- At the Board's request, replacing Mr. Gordos to attend and provide service to the Board's Database Committee; and
- At the Board's request, providing service and attending meetings of the Board's Public Engagement Committee; and
- Posting content for the Board on the City's web page – until the Board established its own page.

There are several reasons why I performed this small amount of assistance to the BSCNHA. These reasons are as follows:

- The assistance I provided involved a small amount of time and didn't affect my ability to complete my job responsibilities; and
- I was following in the footsteps of other staff, namely Mr. Gordos, who were providing similar assistance to the BSCNHA prior to my employment; and
- Providing assistance to the BSCNHA was clearly supported by the Department and the City/County Historic Preservation Advisory Commission. This third reason was the most important impetus for my limited involvement and is further detail below.

The origination for the significant effort that has been expended over the last five years to create a National Heritage Area that would encompass Great Falls as well as Cascade County came from the department that employs me and, specifically, from the person I replaced as Deputy Director – Lee Nellis. One of my core job responsibilities is to supervise the City/County Certified Local Government (CLG) Historic Preservation Program. This involves providing staff support for the HPAC. This Commission was one of the most important drivers to create the heritage tourism initiative and, ultimately, the BSCNHA effort. When the City was without a dedicated Historic Preservation Officer (HPO) from July 2016 through January 2019, I served as Interim HPO and provided staff support for the HPAC.

As illustrated in the attached document I've added to my response, the HPAC is required to adopt an annual grant that is required for the CLG to receive \$6,000 of annual funding to support the program. The most recent annual grant is attached for review. In addition to approving the annual grant submission, the HPAC also develops and approves a Goals and Objectives document. The Goals and Objectives document, which is included on pages 12-14 of the attachment, clearly notes on Page 12 the following HPAC objective:

“Assist the Big Sky Country National Heritage Area board in their effort to create Montana's first National Heritage Area. Create a Memorandum of Understanding that outlines future cooperation between the two entities.”

While no MOU has yet been created between these two entities, multiple members of the HPAC also serve on the Heritage Area board. In conclusion, City staff members who have provided assistance to the HPAC have also tried to help the Heritage Area group, when requested, because of the HPAC's documented support for this effort. Please also note that the annual grant attached to this response is signed by the highest elected officials in the City and County, and the grant is approved by the Great Falls City Commission each year.

Finally, I do think it's important to provide further clarification as to why City staff, including myself, assisted the BSCHA group in usage of Civic Center meeting rooms, without charge, to conduct board meetings (Dodd Complaint, Item 3, Page 5). First of all, I can affirm that there was never an intent to circumvent City policy regarding Civic Center meeting room usage. Before my involvement with the BSCHA board, the group had already been holding monthly meetings at the Civic Center. This was done because the mission of the organization was clearly supported by both the department and the HPAC. The first time the issue of meeting room cost was brought to my attention was when the Heritage Area group needed to use the Missouri Room on May 3, 2018 to provide the public with an update on their efforts. When the issue of whether payment would be handled as a "city-sponsored" event rather than as an outside event, the department determined that it should be a sponsored event for the same reasons noted earlier in this response – because the department and the HPAC were fully supportive of the meeting being consistent with the mission and goals of each organization.

Hopefully, this response letter plus the attached documentation explains why City staff, including myself, have provided assistance to the BSCNHA group. If there are any questions or clarification is needed on any of the responses that I have provided, please do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Micuda", with a stylized flourish at the end.

Tom Micuda, AICP
Deputy Director

Certified Local Government Grant Application

April 1, 2020 to March 31, 2021

Application Deadline

February 14, 2020

**Montana State Historic Preservation Office
PO Box 201202
Helena, MT 59620-1202
(406) 444-7715**

2020-2021 GRANT APPLICATION

CERTIFIED LOCAL GOVERNMENT PROGRAM

Certified Local Government: Great Falls – Cascade County

Address: Civic Center, P.O. Box 5021, Great Falls, Montana 59403

Contact Person: Kate McCourt, Historic Preservation Officer

Tax ID: 81-6001269

Period of Grant Request: April 1, 2020 to March 31, 2021

Scope of Work: The National Park Service asks we grant funds to CLGs for kinds and levels of work that reflect increasing sophistication, skills, and roles by the Preservation Officers, in other words, tasks that reflect improvement in community thinking. For this section, please itemize regular work duties (not including special projects) – products or projects starting or completing, meetings to be attended, etc., and more specifically, ways in how the federal grant funds will help the local program to grow and develop. Please tie your tasks to your community's Preservation Plan. If not, please explain.

x Check if Scope of Work is continued on additional pages.)

Goals and Objectives document attached.

BUDGET

4-1-2020 to 3-31-2021 Budget	Cash Amount	Cash Source	In-kind Amount	In-kind Source	Total
A. Salaries, Wages, Benefits	F. \$5,500 CO. \$25,000 CI. \$37,329			Historic Preservation Officer	\$67,829
B. Office Rental	N/A	CI			\$0
C. Equipment (Computer and IT Services)	\$2,737	CI			\$2,737
D. Supplies & Materials Itemize major categories	\$600	CI			\$600
E. Postage	N/A				
F. Telephone & Internet	\$252	CI			\$252
G. Printing/Forms	\$996	CI			\$996
H. Preservation Commission Number of hours X * rate X number of members X number of meetings			\$3,927.50	NP	\$3,927.50

I. Volunteers Hours X * rate X number of volunteers.			\$6,731.76	NP	\$6,731.76
J. Travel Mileage Number of miles X \$0.58. Include funds for HPO and/or Commissioners to attend CLG annual training	\$657.78	CI			\$657.78
K. Travel Meals # of Meals X rate: Breakfast - \$5.00 Lunch - \$6.00 Dinner - \$12.00	\$230	CI			\$230
L. Lodging \$94.00 plus tax X number of nights	\$940	CI			\$940
M. Project (s) Expenses – fully itemized		CI			\$400
NTHP Membership	\$250				
Newspaper.com					
Subscription	\$150				
N. Other Expenses – fully itemized.		CI			\$1932
Fiscal Service	\$660				
Central Insurance	\$1272				
O. Total Expenses			\$10,659.26		\$87,238.04

SOURCE KEY:

F-Federal

CI-City

CO-County

NP- Private/Non-Profit

*** Federally approved minimum rate for volunteers is \$22.42 per hour.**

SOURCES OF REVENUE/FUNDING	AMOUNT
Itemized Cash Match Source	
City of Great Falls	\$46,073.78
Cascade County	\$25,000
Itemized In-Kind Match Source	
Private/Non-Profit	\$10,659.26
Federal HPF Grant Request from SHPO	\$5500
TOTAL REVENUE	\$87,238.04

GREAT FALLS / CASCADE COUNTY HISTORIC PRESERVATION ADVISORY COMMISSION - 2020						
NAME	ADDRESS	PHONE (H)	PHONE (W/C)	E-MAIL	INTEREST/EXPERTISE	TERM/REP.
Ecke, Rich	301 3rd Ave. North G.F. MT 59401	788-1893		richardacke@charter.net	Owner of historic home; experience in restoration	1st & Expires 2018 (CI)
Jennings, Peter	215 S. Prairie Road G.F. MT 59404	868-3574		petercj1@hotmail.com	Developed Historic Arvon Block	5/30/21 2017 (CI)
Waring, Suzanne	313 25th Ave S GF MT 59405	453-7771	cell 788-8081	swaring7bresnan.net	Restoration of Brother Van house	4/30/20 2017 (CO)
Taylor, Steve			868-1544	sdtmontane@gmail.com	Mayor of Nelhart, interest in History	7/30/22 2019 (CO)
Bronson, Carol		218-3528	781-9537	cbronson@nwgf.org	Historic Preservationist	4/30/22 2019 (CO)
Sievert, Ken	1602 3rd West Hill Dr. G.F. MT 59404	781-8955		siev@bresnan.net	Historical Architect, M Arch; ASCE, AIA	1895 -2016 (HPAC) Permanent
Robison, Kenneth	315 Lampighter Lane G.F. MT 59405	452-8374	cell 868-3635	KennethGR@aol.com	MA Colonial History, Writer/Historian	8/30/2021 2018 (CI)
Sievert, Ellen	1602 3rd West Hill Dr. G.F. MT 59404	781-8955		esiev@bresnan.net	Former Historic Preservation Officer	2018 (CI)
Chris Christiaens			cell 590-4406	Chrischristiaens83@gmail.com	Preservation Advocate	12/3/2022 2019 (CO)
EX-OFFICIO						
Rodeen, Joan	BID 13 5th St N		727-5430	info@greatfallsbid.com	Business Improvement District	
Weber, Jane	325 2nd Ave N		464-6814	jweber@cascadecountymt.gov	County Commissioner	
STAFF						
Micuda, Tom		455-8432		tmicuda@greatfallsmt.net	Dep. Planning Dir.	
Eathery, Brad		455-8433		beathery@greatfallsmt.net	Historic Preservationist, City Planner	
McCourt, Kate		455-8573		kmccourt@greatfallsmt.net	Historic Preservation Officer	

**Great Falls/Cascade County
Historic Preservation Advisory Commission (HPAC)
Program Goals & Objectives for Calendar Year 2020
Approved: February 5, 2020**

Mission Statement

The purpose of the Great Falls/Cascade County Historic Preservation Advisory Commission is to provide leadership in the preservation of cultural, historic, and prehistoric sites, structures, buildings and districts within the City and County.

To achieve our mission, HPAC, in conjunction with the Historic Preservation Officer, will work towards the following goals and objectives in calendar year 2020.

Identify, evaluate and protect significant historic buildings, pre-historic sites, and districts that contribute to the historic fabric, cultural diversity, visual character and economic vitality of the City and Cascade County through the following actions:

1. Assist the Big Sky Country National Heritage Area board in their effort to create Montana's first National Heritage Area. Create a Memorandum of Understanding that outlines future cooperation between the two entities.
2. Continue to monitor potential threats to the Great Falls Portage National Historic Landmark (NHL) and the related Lewis & Clark National Historic Trail.
3. Continue to support the reuse of the Rainbow Powerhouse.
4. Develop a priority list for potential National Register sites/districts, including historic residences, apartment buildings, schools, industrial buildings, military history sites, and others.
5. Encourage the School District to comply with standards and guidelines for preservation best practices as determined by the Secretary of the Interior.
6. Continue maintenance of the Vinegar Jones Cabin. Create a Memorandum of Understanding that defines the roles of the HPAC and the City's Parks & Recreation Department.
7. Work with the Monarch-Neihart Historical Group, Inc. to preserve Monarch-Neihart area resources.
8. Monitor and assist with projects in Sun River Valley and continue to work with the Sun River Valley Historical Society (SRVHS) to preserve the Fort Shaw Historic District. Monitor and assist preservation of the J.C. Adams Stone Barn.
9. Continue to promote and support the preservation of the National Historic Landmark First Peoples Buffalo Jump.
10. Continue the collaboration with the Black Eagle community the Smelter Hill site and its potential to become a public recreation area.
11. Collaborate and foster partnerships with Fort Benton to enhance preservation efforts.

12. Establish and implement a local Great Falls/Cascade County Historic Property Register.
13. Initiate development of a comprehensive Historic Preservation Plan for Great Falls and Cascade County.
14. Work with the City Park and Recreation Department to stabilize and preserve the Boston and Montana Barn.
15. Work with developers to ensure restoration of the Rocky Mountain Building.
16. Work with Preservation Cascade to encourage preservation of the 10th Street Bridge.

Participate in the process of nominating Historic Places according to the Montana State Regulations for Certified Local Governments. This includes reviewing and commenting on any National Register nominations within Cascade County, using the National Register of Historic Places criteria for designation of historic and prehistoric properties.

Educate by undertaking programs that foster public appreciation of, and civic pride in, the beauty of the community, respect for the accomplishments of the past and practical knowledge about both the economic, and the aesthetic value of preservation.

1. Participate in, promote and conduct public informational, educational and interpretive programs pertaining to historic preservation.
2. Update the preservation information on the City's website with monthly updates and/or success stories.
3. Maintain an inventory of identified historic districts, sites and/or structures within Cascade County and the City of Great Falls. Make this information available to the public by working towards making this information available electronically.
4. Prepare, update and/or reproduce the Historic District walking tour brochures as needed, including making them available electronically.
5. Render advice and guidance upon request of property owners as to the restoration, alteration, decoration, landscaping or maintenance of historic buildings, structures or sites.
6. Update the City's website to provide information for owners of property, buildings and structures of potential tax incentives and federal, state, and private grant sources that might be obtained to facilitate the preservation of historic resources.
7. Develop a preliminary set of design guidelines that are related to historic properties to integrate into and be used within the City's Design Review Process.
8. Work with the Business Improvement District to develop a set of appropriate historic building façade guidelines and to include HPAC in the façade review process.
9. Identify a potential brochure celebrating notable historic resources in Cascade County.
10. Increase the collaboration with other organizations, particularly VisitGreatFalls.org, to promote historic resources through the greater usage of digital media platforms.

Cooperate with other agencies, offices and organizations with similar goals and integrate historic preservation into local, state and federal planning and decision making processes by:

1. Working with NeighborWorks Great Falls, the City Department of Planning and Community Development, Preservation Cascade, Inc., the Great Falls Museum Consortium, the Community Beautification Association, the Chamber of Commerce, the Business Improvement District (BID), the Downtown Great Falls Association (DGFA), the Belt Theatre, the Montana Community Foundation, the Sun River Valley Historical Society, the Monarch-Neihart Historical Group, the Montana Office of Tourism, the Tourism Business Improvement District, and other local and rural agencies and organizations to ensure the inclusion of historic preservation concerns.
2. Monitor opportunities for Technical Assistance Grants that are designed to provide architectural services promoting adaptive reuse of historic buildings.
3. As a permanent board member, work with the Downtown Development Partnership to implement objectives of the Downtown Master Plan.
4. Maintain an active partnership with the Preserve America and Montana Main Street programs.
5. Consult with City, County, State, Federal, and tribal agencies, as required, on all applications, environmental assessments, environmental impact statements, and other documents pertaining to historic districts, sites, landmarks or properties.
6. Develop specific preservation policy and action program recommendations to be incorporated into the City's Development Code.
7. Work with State, County and City to remain a viable Certified Local Government.

Motivate and Celebrate by conducting activities directed towards stimulating private and public investment in historic preservation and by recognizing and celebrating successes.

1. Plan and execute annual events during National Historic Preservation Month, including an annual awards reception to recognize worthy preservation projects and individuals for awards.
2. Track and publicize private and public restoration activities to increase community awareness of progress, including improvement of the city's web presence
3. Identify a significant resource for the Official City of Great Falls, limited edition, Christmas ornament and plan for its production, promotion and marketing.

**Certified Local Government
Historic Preservation Commission Chairperson or President**

Signature [Signature] Date 2/5/2020
Name: Rich Ecke

Address: 301 3rd Ave. N, Great falls, MT 59401
Telephone: 404-788-1893

**Certified Local Government Officials
City of Great Falls**

Signature [Signature] Date 2/18/20
Name: Bob Kelly, Mayor

Signature [Signature] Date 2.19.20
Name: Greg T. Doyon, City Manager

Address: P.O. Box 5021, Great Falls, Montana 59403
Telephone: 406-455-8450

Cascade County Commission

Signature [Signature] Date 2/7/2020
Name: Jane Weber, Commissioner

Address: Cascade County Annex, 325 2nd Avenue North, Great Falls, MT, 59401
Telephone: 406-454-6816

**Certified Local Government
Historic Preservation Officer**

Signature [Signature] Date 2/5/2020
Name: Kate McCourt

Address: Civic Center, P.O. Box 5021, Great Falls, Montana 59403
Telephone: 406-455-5021

Please attach the meeting minutes (or an alternate way in writing) at which your application was discussed and approved by the Preservation Board/Commission.

Please attach a list of the historic preservation board members' names citizen membership, terms (year ending), their professional discipline or status as a citizen member on the board, and contact information.



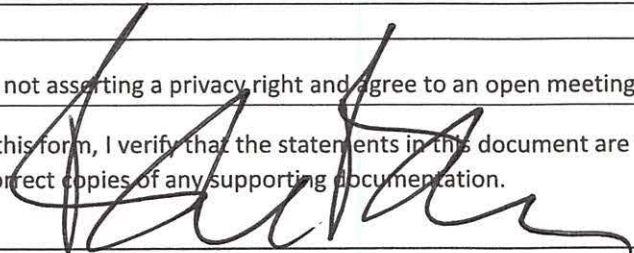
RESPONSE TO ETHICS COMPLAINT

Name of Subject of Complaint (your name): <u>Bill Bronson</u>	
Address: <u>P.O. Box 3485, Great Falls, MT 59403</u>	
Phone Number: <u>(406) 799-9373</u>	Email address: <u>bill.bronson@bresnan.net</u>
Name of Complainant and Date of Complaint: <u>Jeni Dodd / September 29, 2020</u>	
Preferred method of contact (check one): <input type="checkbox"/> Mail <input checked="" type="checkbox"/> Email	

<p>RESPONSE TO COMPLAINT <u>DUE WITHIN 10 BUSINESS DAYS OF DATE COMPLAINT MAILED OR EMAILED TO SUBJECT</u></p> <p>Please state your response to the Complaint against you, by providing a detailed description of your response to each alleged violation, along with all documents or other information supporting your response. Please see the following attached documents:</p> <p><u>(1) Declaration of William O. Bronson, with three (3) attached exhibits, 1 through 3, dated 10/16/2020;</u></p> <p><u>(2) Respondent's Argument, dated 10/16/2020</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Please write on the back of this form, or attach additional pages, if you need more space.</p>
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<p>Please state whether you are asserting a privacy right which you believe would require a closed meeting on the matter. If you believe you have a privacy right, please state whether you are waiving that right, and if you agree to the meeting on this issue being open. If you are not waiving your privacy right, please set forth the reasons for asserting the privacy right.</p> <p>_____ I am asserting a privacy right and request a closed meeting, for the following reasons:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input checked="" type="checkbox"/> I am not asserting a privacy right and agree to an open meeting.</p>
--

By signing this form, I verify that the statements in this document are true and correct and that I have attached true and correct copies of any supporting documentation.

Signature:  Date: 10/16/2020

Return completed Ethics Complaint form to the City Manager's Office, Civic Center Room 201, 2 Park Drive South, Great Falls, MT 59401

DECLARATION OF WILLIAM O. BRONSON

I, William O. Bronson, make the following declaration in response to the allegations of the ethics complaint presented by Ms. Jeni Dodd [Dodd Complaint]:

1. I have received and reviewed the Dodd Complaint, dated September 29, 2020, and received by me October 9, 2020. The copy of the complaint I received consists of a letter and attachments I understand Ms. Dodd sent to the Cascade County Attorney on or about August 25, 2020.

2. The only direct reference to me by name is on the second to last page of the letter, in which Ms. Dodd alleges the following:

“Finally, [County Commissioner Jane] Weber and then Great Falls City Commissioner Bill Bronson took several trips to [Washington] D.C. to meet with the Montana Congressional delegation. This may be a violation of *MCA § 2-2-121(5)(b) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.*”

3. In response to the *factual* allegations of that portion of the Dodd Complaint, I offer the following:

- a) I traveled to Washington, D.C., on three separate occasions: February 10 through 14, 2019; October 20 through 24, 2019; and February 2 through 5, 2020.
- b) It is true that during calendar 2019, I was a City Commissioner for the City of Great Falls, but my term for that office ended December 31, 2019. I was not serving as a City Commissioner at the time of February 2020 trip.
- c) The purpose for my travel on all three occasions was to offer legal assistance to my client, Big Sky Country National Heritage Area, Inc. [BSCNHA].
- d) At no time during my travels in 2019 was I involved in any “proceeding” with federal officials. I was also not representing the City of Great Falls during my travels for, and work on behalf of, BSCNHA, and the City was not involved as a party in any matters discussed or considered during the Washington, D.C., trips.

4. The following factual information is offered for purposes of explaining my role with BSCNHA. Because some of this information may reveal information protected by attorney-client privilege, I have requested and obtained the consent of the Executive Committee for BSCNHA to present that information in my declaration.

5. In January 2015, I attended a public conference in Great Falls, held in the Missouri Room of the Great Falls Civic Center. Part of the focus of that conference was promotion of economic development and historical and cultural assets in the Great Falls region. I did not attend that conference in any official capacity, although as a city commissioner at that time, I was generally interested in the subject matter. That subject matter was consistent with the stated vision and goals of the City Commission at that time. See, attached **Exhibit 1**, "City Commission Vision/Goals" (this document may be accessed at <https://greatfallsmt.net/citycommission/city-commission-visiongoals>, on the City of Great Falls website.)

6. A portion of the conference was dedicated to a discussion of National Heritage Areas [NHA], a tool for promoting economic development and tourism potential, and public/private partnerships. The main presenter for this portion of the program was Charles Flynn, at that time the head of an NHA in Yuma, Arizona.

7. Shortly after the conference, I was approached by a few of the conference participants, who indicated an interest in exploring the NHA concept further. I was asked if I would assist them as an attorney with legal work necessary to set up a private, non-profit corporation, that would study and work on a potential NHA designation in the Great Falls area. I agreed to perform those services.

8. I have been a practicing attorney since 1983. My primary emphasis has been in the civil litigation field, but in the early 1990s, as part of my law practice, I began working with various non-profit organizations, providing legal advice and assistance to them. That work includes helping set up a Montana non-profit corporation, drafting articles of incorporation and bylaws, as well as other corporate documents. In addition, I provide advice and counsel on issues related to corporate governance. I also assist with preparing and submitting applications for tax-exempt status with the Internal Revenue Service, as well as the State of Montana, and provide advice on compliance with Internal Revenue Services policies and regulations.

9. Some of the individuals who approached me knew generally of my work in the field of non-profit law, and it was made clear to me that they sought me out for assistance because of that background.

10. In agreeing to undertake this work, the organization that I would be setting up would potentially become a client of mine. As this fledgling organization did not have any financial resources at its inception, I agreed to perform my work on a *pro bono* basis; that is, I would not charge my normal and customary fees. I did ask the group to reimburse me for any costs I might have to advance to perform the requested work, such as filing fees with the

Montana Secretary of State and the Internal Revenue Service.

11. In accordance with the wishes of this informal group, I set up with the Montana Secretary of State a non-profit corporation named, "Missouri River Heritage Area Planning Corporation." Once set up, as the incorporator, I was then responsible per state statute for initiating an organizational meeting for this new entity. That meeting took place at the Lewis and Clark Interpretive Center community room in May 2015. At that time, several individuals volunteered to serve on the initial board of directors for the entity.

12. The initial directors proceeded with the final organization of the corporation. They adopted a set of by-laws that I had drafted. They asked if I would continue my involvement as legal counsel to the board, which I agreed to do, on a *pro bono* basis.

13. Since the formation of the corporation, and the organizational meeting referenced in Paragraphs 11 and 12 above, I have performed several legal services for the board, including various revisions to the bylaws, two changes-of-corporate name¹, preparation and submission of a formal application for tax-exempt status to the Internal Revenue Service, and preparation of various corporate resolutions and formal policies.

14. At no time since the formation of the corporation have I ever served as an officer or director of the corporation. Attached to this declaration as **Exhibit 2** is a true and correct copy of a form of letterhead used by the corporation. My name appears on this as legal counsel to the Board. As legal counsel, I am not a officer or director, and I am not a voting member of, the Board, and do not make any decisions for the Board, other than to carry out the responsibilities outlined above. My listing on the letterhead for the corporation has been the same regardless of the name used by the corporation.

15. At some point, and I do not recall the exact time, Board members also asked that I be involved on occasion with contacts with various state and federal authorities, whether or not elected, when it came time to consider interactions with these individuals about a potential NHA designation. My primary role in that regard was to assist in drafting appropriate legislation that might be considered by Congress, and advising the Board on appropriate protocols and procedures for presenting to these authorities.

16. The Board retained consultants to conduct a "feasibility study," to determine whether a Heritage Area designation in our area is appropriate. As part of that process, in the latter part of 2018, the consultants advised the Board that it would also be appropriate for a Board representative to begin initial contacts with National Park Service representatives in Washington, D.C., the Montana congressional delegation and their staffs, and the permanent staff

¹ The Board of Directors subsequently requested and obtained a name change, to "*Upper Missouri River Heritage Area Planning Corporation*." In 2019, the Board requested and received another name change, to "*Big Sky Country National Heritage Area*."

of congressional committees (House and Senate) involved with Heritage Area designations, to begin laying groundwork for potential consideration of an NHA. It was recommended these contacts be face-to-face. The Board asked that the current Board chair, Jane Weber, should be involved in these meetings. Ms. Weber and the Board also asked that I participate in these same meetings, if possible, as their legal counsel, so that I could assist with legal questions and addressing procedural issues should they arise.

17. As I stated above, there have been three rounds of meetings in Washington, D.C. These meetings were scheduled as much as possible around times that representatives from existing Heritage Areas would be in the D.C. area as well. The consultants recommended that Ms. Weber and I use our time in Washington to meet and consult with some of these individuals about their knowledge and experience with NHA's, which we have done.

18. In addition to meeting with representatives from existing Heritage areas, we had informal meetings with various individuals, including the current members of the Montana congressional delegation, their staff members that work on projects like Heritage Area designations, staff members from House and Senate committee with jurisdiction over Heritage Area designations and oversight, as well as some National Park Service personnel at the United States Department of the Interior. All of these meetings were informal, and generally consisted of exchanges of information and progress reports on the work of the corporation. There were no formal legislative hearings or formal advocacy presentations at any time. Nothing in these meetings involved any business with the City of Great Falls, and there were no requests being made of federal officials by the City of Great Falls.

19. During my trips to Washington, on occasion, I would be asked for a business card or some other written identifier to allow individuals to have a record of who had been in their office that day. On all such occasions, I would provide my business card, a copy of which is attached as **Exhibit 3**. This is a card that I used at that time for all client-related business. The text on the card reads as follows:

William O. Bronson, pllc
Attorney and Counselor at Law
No. 18 – 6th Street North, Suite 35
P.O. Box 3485
Great Falls, MT 59403-3485
Telephone: (406) 315-1181
Cellular: (406) 799-9373
E-mail: bill.bronson@bresnan.net

20. At no time during my business for the corporation in 2019 in Washington D.C., did I identify myself as a Great Falls City Commissioner, either verbally or in any written materials. I do recall a few times being asked by some individuals before the start of meetings my status or role, at which time I would always represent myself as an attorney representing the

Board of the BSCNHA.

21. During all these trips to Washington, D.C., the City of Great Falls City was not involved and did not participate in any way with visits or informal meetings and information exchanges conducted during the trips.

22. Consistent with my earlier agreements with the Board, I do not charge for my time involved with any projects for BSCNHA. I have requested and obtained reimbursement for any costs advanced, such as travel-related expenses, meals, filing fees with the Montana Secretary of State, and such, but all reimbursements are made by BSCNHA. I have neither requested nor received any compensation from the City of Great Falls, and would not have even made such a request, as the expenses were incurred on behalf of a private client, not the City.

23. As regards the other allegations set forth in the Dodd Complaint, I am aware of the following facts, which I offer for consideration:

- a) There are several allegations pertaining to the use of city facilities, or asking city staff for assistance on projects. I was not involved in any decisions to seek the use of any city resources or personnel. I was never asked to make such requests, and would not have made such requests anyway while I was serving on the City Commission, as I had no authority then as a Commissioner to even make such requests.
- b) Likewise, I did not direct any City employees to do anything for the corporation or for its benefit, as once again, I had no authority as a Commissioner to give such direction.

In accordance with Mont. Code Ann. §§ 1-1-203 and 1-6-105, I declare under penalty of perjury that the foregoing is true and correct.

October 16, 2020 ~ Great Falls, Montana

Date/Place

William O. Bronson

Published on *City of Great Falls Montana* (<https://greatfallsmt.net>)

City Commission Vision/Goals

Our vision is that of a responsive local government strategically prepared for change and challenge. We will build partnerships throughout the community. We will be recognized for our efficient, effective and caring delivery of service and products. Nurtured and inspired by this vision, we will create a passion for excellence. Our core values of honesty, respect and openness will constantly guide our actions.

Our goals:

- ▶ Develop a visually appealing and culturally rich community.
- ▶ Manage growth to preserve our resources, environment, and sense of community.
- ▶ Provide excellent public services desired by the community within its financial means.
- ▶ Strengthen and diversify our economy to provide job opportunities.
- ▶ Anticipate future service needs, costs and resources, and plan ahead to address them.
- ▶ Form partnerships with other governments and organizations to make better use of public resources in providing services.
- ▶ Ensure open and accessible government.
- ▶ Build a stronger team of staff, elected officials, and citizens by transforming our organization to meet the changing needs of the community.
- ▶ Remain financially strong.
- ▶ Provide leisure and recreational opportunities which add to our quality of life.

Source URL: <https://greatfallsmt.net/citycommission/city-commission-visiongoals>

Exhibit 1

Upper Missouri River National Heritage Area Feasibility Study Informational Paper

Agenda # 3.

Upper Missouri River Heritage Area Planning Corporation, Inc.
PO Box 1323 ★ Great Falls, MT 59403

When the Land Belonged to God
The C.M. Russell Collection, MT Historical Society

Board of Directors

Jane Weber, Chair

Cascade County Commissioner

Lynette Sriver-Colburn,

Secretary

United Way of Cascade County

Jerry Lehman, Treasurer

Shareholder, JCCS Accountants

Brett Doney

Executive Director,

GF Development Authority

Richard Ecke

Journalist retired

Gayle Fisher

Executive Director,

Central MT Tourism

Lindy Hatcher

Executive Director, Lewis & Clark

Trail Heritage Foundation

Heidi Hockett

rthwestern Energy

Connie Jenkins

Retired Banker, Fort Benton

Reneé McDonald

Landowner & Educator, Fort Benton

Murry Moore

Mayor of Cascade

Charlene Porsild

CEO, MT History Foundation, Helena

Ken Robison

Historian

Ellen Sievert

Cultural Resource Consultant

John Taillie

Regional Park Manager

MT State Parks

Nicholas Vrooman

Little Shell of Chippewa

Representative, Helena

Mary Willmarth

Owner, Vision West, Inc.

Consulting

Ex-Officio Member

Carol Bronson

Community Engagement

NeighborWorks Great Falls

Legal Counsel

Bill Bronson

Great Falls, MT

Tax ID No: 30-0924368

Esh.h.f

William O. Bronson, pllc
Attorney and Counselor at Law
No. 18 - 6th Street North, Suite 35
P.O. Box 3485
Great Falls, MT 59403-3485
Telephone: (406) 315-1181
Cellular: (406) 799-9373
E-mail: bill.bronson@bresnan.net

RESPONDENT'S ARGUMENT

Introduction

I expressly deny any allegations that I violated any provisions of the Great Falls Code of Ethics during my tenure on the Great Falls City Commission. The actions that I allegedly engaged in were undertaken not in my capacity as a Great Falls City Commissioner, but rather, as a private attorney retained by a client to perform requested services. With regard to the *specific* actions complained of – travels to Washington, D.C., on behalf of my client – the City of Great Falls was not involved in any of the activities that I was involved in as an attorney, and I never represented the City in those activities. Furthermore, none of my actions as described by the complaining party fall within any of the provisions of state law cited in the her complaint.

Argument

For purposes of this argument, I refer you to the “Declaration of William O. Bronson,” dated October 16, 2020, and included with this response. The factual statements contained in the Declaration are incorporated in this argument.

The basic allegation made by the complaining party is as follows:

[County Commissioner Jane] Weber and then Great Falls City Commissioner Bill Bronson took several trips to [Washington] D.C. to meet with the Montana Congressional delegation. This may be a violation of *MCA § 2-2-121(5)(b) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.*”

See, Dodd Complaint (Letter to Cascade County Attorney dated August 25, 2020, pages 5-6).

This allegation is not supported in fact or in law, for the following reasons:

The section of state law cited by the complaining party, MCA § 2-2-121(5)(b), is part of the Montana statutory “Code of Ethics,” MCA § 2-2-101, *et. seq.* The opening provision of the Code, MCA § 2-2-101, sets forth guiding principles for considering the actions of any public official:

Statement of purpose. The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between legislators, other officers and employees of state government, and officers and employees of local government and

prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.
[EMPHASIS ADDED]

The specific wording of the statute cited by the complaining party, MCA § 2-2-121(5), reads as follows:

A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:

- (a) involved in a proceeding before the employing agency that is within the scope of the public officer's or public employee's job duties; or
- (b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.¹

A “public officer”, by statutory definition, includes elected officials of local government. See MCA § 2-2-109(a). The word “proceeding” is not defined in the Code of Ethics, but in accordance with MCA § 1-2-106, is “construed according to the context and the approved usage of the language.....”

“Proceeding” is defined in the Merriam -Webster Dictionary as:

- “1: legal action //
- a divorce proceeding
- 2: PROCEDURE
- 3 proceedings plural : EVENTS, HAPPENINGS
- 4: TRANSACTION
- 5 proceedings plural : an official record of things said or done”

See, www.merriam-webster.com/proceeding, (accessed October 15, 2020). Thus, considering the customary definition of, as well as the context in which the word “proceeding” is used in the Section 2-2-121(5), the following actions by a local government official are inappropriate:

¹ The City’s ethics code requires compliance with the provisions of MCA Title 2, Chapter 2, in addition to some express additional requirements set forth in City ordinance. See OCCGF 2.21.050.

-if an organization is involved in some formal or informal proceeding with a local government agency, and a local government official who may have to make some judgment in connection with that proceeding also happens to be an officer or director of that organization, then the local government official may not participate in the decision-making process before the government agency; and

-likewise, if the organization is attempting to influence a local, state, or federal agency in some action, on some issue, and if a local government official who also happens to be a director or an officer of that same organization happens to represent a state or local government in connection with that same proceeding, then the local government official may not participate in the decision-making process.

As stated in my declaration, my involvement with Big Sky County National Heritage Area, Inc. (BSCNHA) was not undertaken as an elected member of the Great Falls City Commission, but rather as a private attorney retained by BSCNHA, to advise and assist that organization with some of its activities. *[Bronson Declaration, ¶¶ 3, 14, 19, 20]* Neither scenario proscribed under the Montana Code of Ethics is implicated:

-as to the first prohibition – my involvement with BSCNHA in trips to Washington, D.C., in 2019 did not involve proceedings before the Great Falls City Commission;

-as to the second prohibition – my involvement with BSCNHA in those same trips to Washington in 2019 was as a private attorney, assisting my client, in informal meetings and exchanges of information with federal officials. I was not representing the City of Great Falls, and the City was not involved in any way with these visits or informal meetings and information exchanges. The meetings did not involve any formal decision-making, or the consummation of any transactions, with any officials or other individuals associated with the United States government. Nothing in these meetings involved any business with the City of Great Falls, and there were no requests being made of federal officials by the City of Great Falls. *[Bronson Declaration, ¶¶ 3, 14, 18, 19, 20, 21]*

It should be noted that the statutory prohibitions on a local government official's conduct pertain to that official's status as an "officer" or "director" of an outside organization. I am neither an officer nor a director of BSCNHA, and never have served in those capacities. *[Bronson Declaration, ¶ 14]*. Arguably, therefore, the provisions of the statute have no relevance to the circumstances in this case. Nevertheless, accepting for the purposes of argument only that acting as retained legal counsel for the organization falls within the meaning of the statute, my activities still did not violate the statute, for the same reasons as set forth above.


The Dodd Complaint also makes several allegations pertaining to the use of city facilities, or asking city staff for assistance on projects. Although my name is not referenced in any of these allegations, my Declaration states that I was not involved in any decisions to seek the use of any city resources or personnel. I was never asked to make such requests, and would not have made such requests anyway while I was serving on the City Commission, as I had no authority

then as a Commissioner to even make such requests. Likewise, I did not direct any City employees to do anything for the corporation or for its benefit, as once again, I had no authority then as a Commissioner to give such direction. [Bronson Declaration, ¶ 22]. I offer this information only in the event the complaining party is asserting that I was involved in some way in those transactions, and should therefore be held accountable.

Conclusion

The evidence does not support a violation of MCA § 2-2-121(5)(b). I respectfully request that any complaint against me be dismissed. Further, I request that, in the event any new or different allegations are made against me in connection with the same matters, I receive notice and have the opportunity to be heard in response to the same, consistent with my due process rights under the United States and Montana Constitutions.

DATED this 16th day of October, 2020.



William O. Bronson

Telephone: (406) 799-9373

E-mail: bill.bronson@bresnan.net

Jodi Smith

From: Joseph Cik
Sent: Friday, October 23, 2020 9:40 AM
To: Jodi Smith
Subject: FW: Ethics Complaint.

[Please print for the Ethics file.](#)

From: Tracy Houck
Sent: Thursday, October 22, 2020 3:57 PM
To: Joseph Cik
Subject: Re: Ethics Complaint.

For some reason when I save it to my computer, it wipes all the data. Here is a copy that I have open now. Any tips on getting it to save?



RESPONSE TO ETHICS COMPLAINT

Name of Subject of Complaint (your name): Tracy Houck

Address: 2 Paark Drive South Great Falls MT

Phone Number: 406-781-8958

Email address: thouck@greatfallsmt.net

Name of Complainant and Date of Complaint: Jeni Dodd

Preferred method of contact (check one): ☐ Mail ☒ Email

RESPONSE TO COMPLAINT DUE WITHIN 10 BUSINESS DAYS OF DATE COMPLAINT MAILED OR EMAILED TO SUBJECT

Please state your response to the Complaint against you, by providing a detailed description of your response to each alleged violation, along with all documents or other information supporting your response.

I was a board member of the Upper Missouri River Heritage Area Planning group from May 2015 until August 2018.

During that tenure, I was the Executive Director of Paris Gibson Square Museum of Art and a

member of the Great Falls Musuem Consortium. Growing up north of Pittsburgh PA, I was cognizantly

aware of the incredible tourism and increased revenues their local Heritate Area did to revitalize

the slum and blighted Pittsburgh. I was then, and am still now, highly vested in growing tourism

in our local cummunity. We are already the musuem capital of Montana and I thought we should be recognized for

that designation. I was not an elected official until January 2016.

Please write on the back of this form, or attach additional pages, if you need more space.

Please state whether you are asserting a privacy right which you believe would require a closed meeting on the matter. If you believe you have a privacy right, please state whether you are waiving that right, and if you agree to the meeting on this issue being open. If you are not waiving your privacy right, please set forth the reasons for asserting the privacy right.

☒ I am asserting a privacy right and request a closed meeting, for the following reasons:

This appears to be a personal attack on me.

☐ I am not asserting a privacy right and agree to an open meeting.

By signing this form, I verify that the statements in this document are true and correct and that I have attached true and correct copies of any supporting documentation.

Signature: Tracy Houck

Date: 10/20/2020

Return completed Ethics Complaint form to the City Manager's Office, Civic Center Room 201, 2 Park Drive South, Great Falls, MT 59401

Tracy Houck
City of Great Falls, Commissioner
406-781-8958

Please excuse my typos and bizarre wordings. My fingers are often slower than my brain.

From: Joseph Cik
Sent: Thursday, October 22, 2020 2:25:32 PM
To: Tracy Houck
Subject: RE: Ethics Complaint.

Commissioner, it appears you sent me a blank response form by mistake.

From: Tracy Houck <thouck@greatfallsmt.net>
Sent: Tuesday, October 20, 2020 12:04 PM
To: Joseph Cik <jcik@greatfallsmt.net>
Subject: Re: Ethics Complaint.

Tracy Houck
City of Great Falls, Commissioner
406-781-8958

Please excuse my typos and bizarre wordings. My fingers are often slower than my brain.

From: Joseph Cik
Sent: Tuesday, October 20, 2020 11:50:04 AM
To: Tracy Houck
Cc: Sara Sexe
Subject: Re: Ethics Complaint.

Please use the form to respond. Thank you.

Get [Outlook for Android](#)

From: Tracy Houck <thouck@greatfallsmt.net>
Sent: Tuesday, October 20, 2020 11:48:25 AM
To: Joseph Cik <jcik@greatfallsmt.net>
Subject: Re: Ethics Complaint.

Joe,
I was a board member from May 2015 to August 2018. As the Executive Director of Paris Gibson Square and a member of the museum consortium, at that time, and I was vested in tourism growth in our community. I was not an elected official until January 2016.

Tracy Houck
City of Great Falls, Commissioner
406-781-8958

Please excuse my typos and bizarre wordings. My fingers are often slower than my brain.

From: Joseph Cik
Sent: Tuesday, October 20, 2020 11:11 AM

To: Tracy Houck
Subject: Re: Ethics Complaint.

I can't advise you on how to respond, other than, be honest and explain your role on the board and what knowledge you have on what city resources were used to support it.

Get [Outlook for Android](#)

From: Tracy Houck <thouck@greatfallsmt.net>
Sent: Tuesday, October 20, 2020 9:40:50 AM
To: Joseph Cik <jcik@greatfallsmt.net>
Subject: Re: Ethics Complaint.

Joe - What kind of information are you wanting from me? I am not sure what specific information you are looking for.

Tracy Houck
 City of Great Falls, Commissioner
 406-781-8958

Please excuse my typos and bizarre wordings. My fingers are often slower than my brain.

From: Joseph Cik
Sent: Tuesday, October 20, 2020 7:23 AM
To: Tracy Houck
Subject: Re: Ethics Complaint.

That is not correct.

Get [Outlook for Android](#)

From: Tracy Houck <thouck@greatfallsmt.net>
Sent: Monday, October 19, 2020 7:50:20 PM
To: Joseph Cik <jcik@greatfallsmt.net>
Subject: Re: Ethics Complaint.

Did I hear correctly that the Attorney General reviewed the complaint (via the county) and dismiss it?

Tracy Houck
 City of Great Falls, Commissioner
[406-781-8958](tel:406-781-8958)

Please excuse my typos and bizarre wordings. My fingers are often slower than my brain.

From: Joseph Cik
Sent: Friday, October 16, 2020 2:16:03 PM
To: Tracy Houck
Subject: FW: Ethics Complaint.

Just as a reminder Commissioner, you have until Tuesday to respond to the Complaint. Thanks.

From: Joseph Cik

Sent: Tuesday, October 6, 2020 3:39 PM

To: Craig Raymond <craymond@greatfallsmt.net>; Thomas Micuda <tmicuda@greatfallsmt.net>; Melissa Kinzler <mkinzler@greatfallsmt.net>; Tracy Houck <thouck@greatfallsmt.net>

Subject: Ethics Complaint.

All, please see the attached Ethics Committee Complaint that has been filed by Jeni Dodd. While it is a bit vague, it references previous correspondence that she has provided to the Legal Department that I have been investigating. The general allegation was that City resources were inappropriately used and/or given to the Big Sky Country National Heritage Area Inc. organization. For further information contact me directly. Please also see the enclosed link for the Ethics Committee response form. Please fill out the form with your response to her complaint and return to me as soon as possible. Thank you. Again, contact me for further information.

https://greatfallsmt.net/sites/default/files/fileattachments/ethics_committee/page/164041/response_to_ethics_complaint_form_fillable.pdf

Joseph Cik

Assistant City Attorney

2 Park Drive South - Room 101

P.O. Box 5021

Great Falls, MT 59403

(406)-455-8578



Legal Department
Civic Center
P.O. Box 5021
Great Falls, MT 59403
Tel: 406-455-8578
Fax: 406-727-0005

Sara R. Sexe,
City Attorney
Joseph Cik,
Assistant City Attorney
Neil A. Anthon,
Chief Prosecutor
Cassidy R. Blomgren,
Deputy Prosecutor
Mark Dunn,
Prosecutor

Jeni Dodd
P.O. Box 6373
Great Falls, Montana 59401

RE: Ethics Complaint

Dear Ms. Dodd:

Thank you for your patience in awaiting my opinion regarding your September 29, 2020 complaint. The Legal Department undertook a significant investigation of the matter, which took more time than originally anticipated. Please note that this response only addresses actions of the City, its employees or officials, and does not address your concerns regarding the County or its representatives.

After the investigation, I have prepared the enclosed memorandum to the City Manager with my opinions, summarized as follows:

1. Regarding Complaint No. 1, there is no violation of Mont. Code Ann. § 2-2-121(2)(a) or OCCGF § 2.21.050;
2. Regarding Complaints No. 2 and 3, there is no violation of Mont. Code Ann. § 2-2-121. However, like other non-City entities, the Heritage organization should have been required to pay fees according to City Commission processes. It did not, and as such there exist violations of OCCGF § 2.21.050 (B), (F) and (L); and
3. Regarding Complaint No. 4, while Commissioner Bronson was at times both a Commissioner and an attorney in private practice, the information provided does not support that a violation of Mont. Code Ann. § 2-2-121(5)(b) occurred, based upon his representations that he traveled and acted solely as legal counsel for the Heritage organization, which paid his out of pocket costs.

The support from the City Commission, via the approvals of the *Growth Policy*, the TBID annual budgets and work plans, and the HPAC goals, establish that the City supported the Heritage organization's attempts to receive the designation of the NHA. This was reiterated by the City Commission in December 2019 when Resolution 10326 was adopted. The effect of this was Commission-recognized potential benefit to the City of the Heritage organization's designation efforts. Actions taken by City representatives in furtherance of this support were taken with the direct or tacit approval of the City Commission.

Jeni Dodd
November 16, 2020
Page 2

For a full explanation of my opinion, I ask that you refer to the enclosed memorandum. I hope that this will alleviate your concerns and that you are satisfied with the result. However, if this is not the case, please let me know in writing within fifteen calendar days of the date of this letter. In such case, please provide the bases for your dissatisfaction. (In this case, if you need additional time beyond the fifteen days, please let me know.) If you provide me with a written objection and bases, they will be considered. Then, the issue may be referred to the City Ethics Committee for review and disposition according to the Official Code of the City of Great Falls. Contrariwise, if I do not hear from you within in this time period, I will consider this issue resolved.

I appreciate your bringing forth your concerns. Your complaints have brought to light various concerns which could have been avoided with additional information regarding the City Commission's position on recognition and support of the Heritage organization. Notwithstanding, it is my opinion that the individual City representatives named in your complaint have not acted outside of their perceived responsibilities to further City purposes.

Sincerely,



Sara R. Sexe

Encl.

cc: Greg Doyon



Legal Department
Civic Center
P.O. Box 5021
Great Falls, MT 59403
Tel: 406-455-8578
Fax: 406-727-0005

Sara R. Sexe,
City Attorney
Joseph Cik,
Assistant City Attorney
Neil A. Anthon,
Chief Prosecutor
Cassidy R. Blomgren,
Deputy Prosecutor
Mark Dunn,
Prosecutor

To: Gregory T. Doyon, City Manager

From: Sara R. Sexe, City Attorney *SRS*

Date: November 16, 2020

Re: *Ethics Complaint by Jeni Dodd*

Statement of Issues

On August 25, 2020 Great Falls City resident Jeni Dodd submitted a letter to the Cascade County Attorney's Office alleging conflict of interest and ethics violations by Cascade County and City of Great Falls (City) elected officials and employees, pursuant to Mont. Code Ann. § 2-2-144. On September 14, 2020, Ms. Dodd forwarded said complaint to the City Attorney for further consideration of her concerns.

The alleged concerns were that City and County public resources were inappropriately used to further the interests of the Big Sky Country National Heritage Area Inc. (formerly Upper Missouri River Heritage Planning Corporation, hereinafter "Heritage Organization"). Additionally, Ms. Dodd filed an official City Ethics Violation Complaint on September 29, 2020 referencing her August 25, 2020 letter.

The issues implicated by Ms. Dodd's complaint pertaining to the City are as follows:

1. Did City employees and elected officials inappropriately allocate City public resources to further the interests of the Heritage Organization?
2. Did City officials inappropriately lobby the Montana Congressional delegation in support of the establishment of a National Heritage Area?

This memorandum will only address the alleged violations against City officials and employees and will not address alleged violations by any officials or employees of other governmental organizations.

Informational Background

According to the United States Congressional Research Service:

National Heritage Areas are places where historic, cultural, and natural resources combine to form cohesive, nationally important landscapes. Unlike national parks, National Heritage Areas are large lived-in landscapes. Consequently, National Heritage Areas entities collaborate with communities to determine how to make heritage relevant to local interests and needs.

In 1984, the first National Heritage Area, Illinois and Michigan Canal National Heritage Area [(NHA)], was signed into law by President Ronald Reagan. In his dedication speech, Reagan referred to National Heritage Areas "a new kind of national park" that married heritage conservation, recreation, and economic development. Today, the program includes **55 National Heritage Areas** across the country.

NHA's further the mission of the National Park Service (NPS) by fostering community stewardship of our nation's heritage. The NHA program, which currently includes 49 heritage areas, is administered by NPS coordinators in Washington DC and six regional offices - Anchorage, San Francisco, Denver, Omaha, Philadelphia and Atlanta - as well as park unit staff.

NHA's are not national park units. Rather, NPS partners with, provides technical assistance, and distributes matching federal funds from Congress to NHA entities. NPS does not assume ownership of land inside heritage areas or impose land use controls.

- **Fifty-five NHAs** have been designated by Congress since 1984. Each NHA is created through individual federal law.
- NHA designation recognizes the national importance of a region's sites and history.
- Through annual Congressional appropriations, NPS passes funds to NHA entities. Although most entities are authorized to receive up to \$1 million annually over a set period of time, actual annual appropriations range from \$150,000 – \$750,000.
- The financial assistance component of the program is secured with legal agreements, accountability measures, and performance requirements for NHA entities.
- NHA designation does not affect private property rights.

NHA's reflect an evolution in roles and responsibilities in protecting lands. The traditional form of land protection for the National Park Service (NPS) has been through government ownership, management, and funding of lands set aside for protection and enjoyment. By contrast, NHAs typically are non-federally owned, managed by local people with many partners and NPS advice, funded from many sources, and intended to promote local economic development as well as to protect natural and cultural heritage resources and values. The NPS provides technical and financial aid to NHAs, but these areas are not part of the National Park System.

Heritage areas consist mainly of private properties, although some include publicly owned lands. In most cases, the laws establishing NHAs do not provide for federal acquisition of land; once designated, heritage areas generally remain in private, state, or local government ownership or a combination thereof. However, in a few cases, Congress has authorized federal acquisition of land in heritage areas. For instance, Congress authorized the creation of the Cane River Creole National Historical Park (LA) within the Cane River NHA and the creation of the Blackstone River Valley National Historical Park within the John H. Chafee Blackstone River Valley National Heritage Corridor.

Many laws establishing national heritage areas contain provisions intended to address concerns about potential loss of, or restrictions on use of, private property as a result of NHA designation. 5 For example, P.L. 116-9, which established the six newest NHAs, stated for each area that the law does not abridge the right of any property owner; require any property owner to permit public access to the property; alter any land use regulation; or diminish the authority of the state to manage fish and wildlife, including the regulation of fishing and hunting within the NHA. For additional information on P.L. 116-9 and its provisions, see “John D. Dingell, Jr. Conservation, Management, and Recreation Act.”

<https://fas.org/sgp/crs/misc/RL33462.pdf>

Factual Background

The idea of establishing portions of Cascade County, including the City of Great Falls, as a National Heritage Area (NHA) was initiated by the City Planning and Community Development Department as early as 2013 to benefit the community. *Craig Raymond Response*, at 2. This concept was developed to enhance the viability of the Historic preservation responsibilities of the Department, and it was considered to be a viable option to enhance tourism and vitality of the Great Falls community. *Id.* Mr. Raymond considered the NHA effort to be sanctioned by the City Commission in the 2013 City’s Growth Policy Update (*Growth Policy*).

The *Growth Policy* is a statutorily-permitted policy that guides municipalities in responsible growth and economic development. Mont. Code Ann. Title 76, Chapter 1, Part 6. Included in the 2013 *Growth Policy* was a recognition that tourism is one of Montana’s leading industries. *Growth Policy*, at 76-77. Additionally, the policy identified that the development of an NHA would potentially promote tourism in the Great Falls area, and it was designated as a goal in the policy. *Id.* at 73, 135 and 158.

In 2014, the Great Falls Tourism Business Improvement District (TBID) identified the establishment of an NHA as a goal in its work plan and budget. *Great Falls TBID 2014-15 Work Plan and Budget*. As City-created board, the TBID is required each year to have its work plans and budgets approved by the City Commission. Mont. Code Ann. § 7-12-1132.

In January 2015, a conference was held at the Civic Center titled, “Grand Tour of Great Falls.” This conference was well-attended by the public. One of the presentations during the conference was regarding the establishment of NHAs.

Shortly after the January 2015 conference, attorney (and at the time City Commissioner) William O. Bronson was approached by individuals who attended the conference about the possibility of establishing a non-profit organization that would study the feasibility of establishing an NHA. *Declaration of William O. Bronson* (hereinafter *Bronson*), at 2. Mr. Bronson agreed to provide legal counsel, on a *pro bono* basis, to establish the Heritage organization. *Id.*

On April 1, 2015, another conference, titled “Grand Tour of Great Falls II,” was held at the Civic Center. That conference was also well attended by members of the public and again focused on the development of an NHA.

Between 2016 and 2019 Planning and Community Development Deputy Director Tom Micuda assumed the responsibilities of the City-County Historic Preservation Officer. *Thomas Micuda Response*, at 2-4. The Historic Preservation Officer is responsible for assisting the Historic Preservation Advisory Commission (HPAC). *Id.* Mr. Micuda’s core job responsibilities involve supervision of the City/County Certified Local Government (CLG) Historic Preservation Program, which involves providing staff support for the HPAC. The HPAC adopts a grant for the CLG to support the program, which is approved annually by the City Commission. The HPAC also develops Goals and Objectives. Since 2016, a stated HPAC objective was to “1. Assist the Big Sky Country National Heritage Area board in their effort to create Montana’s first National Heritage Area,” or similar language.

In response to the public support for the establishment of an NHA, on April 3, 2015 the Missouri River Heritage Area Planning Corporation (Heritage organization) was officially established and registered with Montana State Secretary of State’s Office. *Articles of Incorporation*, at 1. County Commissioner Jane Weber was registered as the Chairperson of the Board of Directors, and other members of the Board from 2015-2019 included Commissioner Weber, City Commissioner Tracy Houck, and City GIS Mapping employees Gregory Gordos and Jeff Hedstrom. Mr. Bronson served, and continues to serve, as the organization’s attorney. *Bronson*, at 2-3.

The organization made multiple name changes between its date of incorporation and December 2019. *Id.* at 3. In 2019, the organization was officially named Big Sky National Heritage Area, Inc. (References to the organization, including name changes, will be referred to throughout as Heritage organization.) A number of the original members of the Board of Directors resigned during the time period between 2015 and 2019, including Gregory Gordos, Jeff Hedstrom, and Tracy Houck. *Articles of Incorporation*, and, *numerous emails exchanged between Jane Weber and Thomas Micuda*. Commissioner Houck was a board member representing the Paris Gibson Square. *Tracy Houck Response*, at 1.

On December 17, 2019, the City Commission adopted Resolution 10326. Resolution 10326 was titled:

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, RELATING TO THE GREAT FALLS DEVELOPMENT AUTHORITY APPLICATION TO THE BIG SKY ECONOMIC DEVELOPMENT TRUST FUND PROGRAM ADMINISTERED BY THE STATE OF MONTANA DEPARTMENT OF COMMERCE, FOR A PLANNING GRANT FOR BIG SKY COUNTRY NATIONAL HERITAGE AREA, INC.

The Resolution recognized the need for economic diversity in Cascade County including the Great Falls community. *Id.* at 1. This was the first direct endorsement of the efforts to establish an NHA by the City Commission. The Resolution further authorized the City of Great Falls to submit an application to the Montana State Department of Commerce for funds from the Big Sky Country Economic Trust Fund Planning Grant Trust Funds. *Id.* The potential grant funds were to benefit the efforts of the Heritage organization in its efforts to establish an NHA. *Id.* Additionally, the grant application and all administration were to be conducted by the Great Falls Development Authority (GFDA). *Id.* An Agreement dated October 19, 2004, states in part that the Great Falls “Development Authority has been incorporated for the sole purpose of promoting and developing industrial and economic development in Cascade County.”

Between April 3, 2015 and December 17, 2019, the organization met on several occasions. *Bronson*, at 3-5, see also, *Thomas Micuda Response*. The first meeting was held at the Lewis and Clark Interpretive Center in May 2015. *Bronson* at 3. A number of other the Heritage organization meetings were held at different venues in the Civic Center, including:

1. February 26, 2015,
2. August 17, 2015,
3. July 20, 2016,
4. October 12, 2016,
5. June 2, 2016,
6. June 7, 2016,
7. July 18, 2016, and
8. January 27, 2020

City of Great Falls Events' Records.

The Heritage organization did not pay for these venue meeting times. *Id.* Meeting venue policy provided that no meeting rooms would be scheduled, for non-City organizations, without providing the appropriate fees. However, there are reduced rates for City sanctioned organizational meetings. *Internal Charges for a City Event or City Sponsored Events*. The organization meetings were sponsored on multiple occasions by the City Planning and Community Development Department. See, *Craig Raymond and Thomas Micuda Responses*. Some meetings were funded with Historic Preservation Advisory Commission funds. *Id.*, and *numerous emails from Thomas Micuda*.

Between April 3, 2015 and December 17, 2019 the City Finance Department accepted funds in trust on behalf of the Heritage organization until it established its own bank accounts. *Melissa Kinzler Response*, at 1. Gregory Gordos and Jeff Hedstrom also used GIS Mapping resources and software to develop maps of the proposed NHA. Tom Micuda provided assistance to the organization by reserving meeting venues, providing telecommunications equipment for the organization’s board meetings, providing services for the database committee, providing services to the public outreach committee, and publishing the organizations content on the City website. *Thomas Micuda Response*, at 3.

Between April 3 and December 17, 2019, there were numerous emails exchanged between Cascade County Commissioner Weber, City Commissioner Bill Bronson, Gregory Gordos, Jeff Hedstrom, and Tom Micuda related to the organization. See *numerous emails between Thomas Micuda and Jane Weber*. These emails were exchanged on public email addresses. *Id.* They involved delegating

work responsibilities in furtherance of the organization and discussed the use of City facilities and resources to accomplish the organization's goal of establishing an NHA. *Id.*

Commissioner Bronson's term ended December 31, 2019. He states that he traveled three times to Washington D.C. as counsel for the Big Sky Country National Heritage Area, Inc. and not in his capacity as City Commissioner. *Bronson Response*, at 2-5. Additionally, Mr. Bronson met with delegation officials on behalf of the Heritage Organization as its attorney. *Id.* While he was on these trips, Mr. Bronson did not advocate on behalf of the City of Great Falls nor receive any compensation from the City for any time or travel expenses. *Id.* This service was provided *pro bono*, with the exception of travel expenses and filing fees which were paid by the Heritage Organization. *Id.*

Analysis

Initial Question of City Sponsorship of the Heritage Organization

Before the adoption of 2019 Resolution 10326, the City indirectly supported the Heritage organization in the following ways:

1. The HPAC (which is a City-sponsored commission) specifically adopted support of the creation of as one of its goals, to "1. Assist the Big Sky Country National Heritage Area board in their effort to create Montana's first National Heritage Area." Similar language has been in the HPAC goals since 2016;
2. The TBID identified the establishment of an NHA as a goal in its work plans and budgets; and
3. The *Growth Policy* identified that the development of an NHA as a goal that would potentially promote tourism in the Great Falls area.

When the Commission adopted Resolution 10326, it specifically indicated its support of the Heritage organization, designating the GFDA for administration.

Applicable Ethics Codes and Purposes

The analysis of Ms. Dodd's complaint involves analysis of Montana's and the City's Codes of Ethics. Montana Code provides the purpose of the Code of Ethics:

Statement of purpose. The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between legislators, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

Mont. Code Ann. § 2-2-101. It is under this general purpose that the evaluation must be made. Mont. Code Ann. § 2-2-121 states in pertinent part:

...

(2) A public officer or a public employee may not:

(a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;

...

(5) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:

...

(b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.

....

Additionally, OCCGF § 2.21.050 provides in part:

In addition to complying with the provisions of Mont. Code Ann. Title 2, Chapter 2, officers and employees of the City of Great Falls shall comply with the following provisions:

A. No officer or employee of the City of Great Falls shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;

B. No officer or employee shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;

...

D. No officer or employee shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;

...

F. No officer or employee shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;

...

L. No officer or employee shall request, use, or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or advantage for himself or any other person; except where it is the general practice to make the same available to the public at large, or where the same is provided pursuant to stated

public policy for the use of officials and employees in the conduct of official business;

* * * *

Complaint No. 1. Collection of funds for the organization.

Ms. Dodd's first allegation is that the City of Great Falls violated Mont. Code Ann. § 2-2-121 and the Official Code of the City of Great Falls (OCCGF) § 2.21.050 by accepting funds on behalf of the Heritage organization.

Ms. Dodd alleges a violation of Mont. Code Ann. § 2-2-121(2)(a) by the Finance Department's acceptance of funds on the Heritage organization's behalf. However, there is no evidence that individual City members of the Heritage organization benefitted, for their private business purposes, from the Finance Department's accepting funds in trust on the organization's behalf. Further, the assistance in establishment of an NHA was consistent with the City Commission-approved 2013 *Growth Policy* goals, the HPAC goals, the TBID work plan and budget.

Additionally, the Finance Department routinely accepts funds on different organizations' behalf. *Melissa Kinzler Response*, at 1. These are often referred to as programs. The programs are designed to track revenues and expenses for items such as paying vendors by the various City departments. The funds accepted by the City on behalf of the Heritage organization were not intermingled with City funds. *Id.*

Given the above listed factors, it is my opinion that the City's accepting funds on the Heritage organization's behalf does not violate the above-cited Montana Public Employee conduct statute. There is no evidence that members of the organization personally benefitted from the acceptance of the funds, the funds were not intermingled with City funds, and this practice is common for the City Finance Department to track project expenses.

After the Heritage organization incorporated in 2015 and continuing until the City Commission formally supported it in Resolution 10326, the use of City resources to manage its fund raising efforts could give the appearance that City resources were used for the benefit of a private non-profit organization, a benefit which was not available to the general public. This appearance, however is not an actual violation of OCCGF § 2.21.050(B), (F), and (L) because the *Growth Policy*, the TBID budget and work plan, and the goals listed by the HPAC, all approved by the City Commission, indicate that the establishment of an NHA was widely supported by, and for the benefit of, the City.

Complaint No. 2. The Use of GIS Mapping Time and Resources.

Ms. Dodd also alleges violations of Mont. Code Ann. § 2-2-121(2)(a) and OCCGF § 2.21.050 by City employees Gregory Gordos and Jeff Hedstrom use of City GIS Mapping staff time and resources in support of the Heritage organization. Those provisions are listed above.

GIS Mapping services are available to members of the general public with fees, which account for the staff time and resources utilized in fulfilling requests. The Heritage organization utilized the GIS Mapping Department staff and resources to develop preliminary maps for the organization as well as to maintain the organization's corporate documents including minutes. In this case, the Heritage

organization relied upon Gregory Gordos' and Jeff Hedstrom's and GIS Mapping resources without charge. This type of service is not available to the public.

There is no evidence that the members of the Heritage organization personally benefitted from the use of GIS time and resources. While the organization itself may have benefitted from the use of these resources, various City departments often provide assistance to other community organizations such as the Park and Recreation Foundation, the Business Improvement District, the TBID, etc, because they support City purposes. Because the members of the Heritage organization, including the City officials that were members, did not personally benefit from the use of GIS Mapping resources, there does not appear to be a violation of Mont. Code Ann. § 2-2-121.

However, given the factors listed above, a violation of OCCGF § 2.21.050 (B), (F), and (L) occurred for the use of GIS Mapping resources for the benefit of the Heritage organization free of charge. (Ms. Dodd did not allege (F), but in evaluating the issue, it is appropriate to include this.) As noted above, while these services were provided for the potential benefit of the City pursuant to the *Growth Policy*, the TBID budget and work plan, and the HPAC goals, it should have paid fees for the services as set by Commission Resolution, like other non-city organizations have been required to do.

Complaint No. 3. Use of City Facilities for Heritage Organization Meetings.

Ms. Dodd also alleges violations of Mont. Code Ann. § 2-2-121(2)(a) and OCCGF § 2.21.050 by City employees for the use of City facilities for the Heritage organization's board meetings. Those provisions are listed above.

As stated above, the Heritage organization's Board of Directors met in various locations of the Great Falls Civic Center on a number of occasions between April 3, 2015 and December 17, 2019. These meetings were either designated as City-hosted meetings, or they were funded by HPAC funds. This ultimately resulted in the organization's not paying Commission-adopted fees for use of the various venues in the Civic Center.

None of the members of the Heritage Organization, or City staff, personally benefitted by the use of the City facilities. While the organization itself benefitted by the use of the facilities, this practice is not uncommon as many other organizations are permitted use of City facilities, such as the Park and Recreation Foundation and Mansfield Foundation. Because none of the City officials that were a part of the Heritage organization personally benefited from the use of the City facilities, it is my opinion that there is not an appearance of a violation of Mont. Code Ann. § 2-2-121(2)(a).

However, given the factors listed above, a violation of OCCGF § 2.21.050 (B), (F), and (L) occurred from the use of meeting venues in the Civic Center without charge for the Heritage organization. There are reduced fees for City sanctioned organizations such as the HPAC, which should have been paid. As noted above, while these services were provided for the potential benefit of the City pursuant to the *Growth Policy*, the TBID budget and work plan, and the HPAC goals, it should have paid fees for the services as set by Commission Resolution, like other non-city organizations have been required to do.

Complaint No. 4. Commissioner Bronson's lobbying efforts in Washington D.C.

Finally, Ms. Dodd alleges a violation of Mont. Code Ann. § 2-2-121(5)(b) by then City Commissioner William O. Bronson for travelling to Washington D.C. to meet with Montana's Congressional Delegation regarding the establishment of an NHA. First, as noted above, while there was not indirect support by the Commission of the Heritage organization until December 2019, the City Commission approved the designation through its approval of the HPAC, *Growth Policy* goals and TBID work plan and budget.

Mont. Code Ann. § 2-2-121(5)(b) provides:

(5) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:

...

(b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.

Mr. Bronson did make several trips to Washington D.C. on behalf of the Heritage organization. *Bronson*, at 3-5. At no time during those visits did Mr. Bronson advocate on behalf of the City of Great Falls or receive any compensation from the City for any time or travel expenses. *Id.* Additionally, he met with delegation officials only on behalf of the Heritage organization as its attorney. *Id.* This service was provided *pro bono*, with the exception of travel expenses and filing fees, which were paid by the Heritage organization. *Id.*

Taking Mr. Bronson's statements under oath, it does not appear that former Commissioner Bronson violated the above listed statute. At no time did the former Commissioner use his influence as a City Commissioner to promote the establishment of an NHA, although doing so would have had at least the indirect support of the City Commission until December 2019, when direct support was established. Mr. Bronson was acting in his professional capacity as an attorney representing the Heritage organization board. Therefore, Mr. Bronson was not using his position as a City public official to influence another government entity.

CONCLUSION

As noted previously, only the complaints regarding City staff or officials are addressed herein. After considering the complaint and the responses, I make the following determinations:

1. Regarding Complaint No. 1, there is no violation of Mont. Code Ann. § 2-2-121(2)(a) or OCCGF § 2.21.050;
2. Regarding Complaints No. 2 and 3, there is no violation of Mont. Code Ann. § 2-2-121. However, like other non-City entities, the Heritage organization should have been required to pay fees according to City Commission processes. It did not, and as such there exist violations of OCCGF § 2.21.050 (B), (F) and (L); and
3. Regarding Complaint No. 4, while Commissioner Bronson was at times both a Commissioner and an attorney in private practice, the information provided does not support that a violation of Mont. Code Ann. § 2-2-121(5)(b) occurred, based upon his

representations that he traveled and acted solely as legal counsel for the Heritage organization, which paid his out of pocket costs.

The indirect support from the City Commission, via the approvals of the *Growth Policy*, the TBID annual budgets and work plans, and the HPAC goals, establish that the City supported the Heritage organization's attempts to receive the designation of the NHA. Direct support by the City Commission came in December 2019 when Resolution 10320 was adopted. The effect of this indirect and direct support is Commission-recognized potential benefit to the City of the Heritage organization's designation. Actions taken by City representatives in furtherance of this support were taken with the direct or tacit approval of the City Commission.

Ms. Dodd's complaints have brought to light various concerns which could have been avoided had the City Commission been asked to clarify its position on recognition and support of the Heritage organization. Notwithstanding, the individual City representatives named in Ms. Dodd's complaint have not acted outside of their perceived responsibilities to further City purposes. Those employees' supervisors should however provide counseling and education to ensure that City Commission fees for the use of City resources by outside entities are being consistently and fairly charged in the future.

Request for Ethics Committee Hearing and Response to City Attorney
Sexe's Opinion and Memorandum of November 16, 2020
Submitted by Jeni Dodd, Great Falls resident

I am once again asking for a hearing before the City of Great Falls Ethics Committee concerning my allegations in my complaint dated September 29, 2020. This is my second request.

In that correspondence, I have alleged potential ethics violations by city employees and officials in their actions because they provided city employee time, city resources and city facilities, at no cost, to a private non-profit entity, Big Sky Country National Heritage Area Inc (BSCNHA Inc), originally known as Missouri River Heritage Area Planning Corporation (MRHAPC).

I dispute City Attorney Sexe's dismissal of my complaints 1-4, in her memorandum. I disagree with her assessment that violations of the Montana Code Annotated (MCA) did not occur. I agree with the City Attorney that violations of OCCGF § 2.21.050 (B), (F) and (L) did occur when BSCNHA Inc was not assessed fees, but I disagree with her regarding other violations of OCCGF, as documented in my original complaint, as I believe those did occur.

In specific, I make the following assertions regarding her response.

ASSERTION 1: In reading MCA, Rules Of Conduct For Public Officers And Public Employees, § 2-2-121(2), I see no specific provision that an individual covered under the section must personally benefit (for example, as in deriving a personal monetary benefit), from the actions therein, in order for a violation to occur.

Therefore, I dispute City Attorney Sexe's assertion throughout her memorandum that since city officials or employees did not benefit personally, the ethics provisions of Montana Code Annotated § 2-2-121, were not violated.

FACT: MCA § 2-2-121 states:

(2) A public officer or a public employee may not:

(a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;

DISCUSSION: No mention is made of personal monetary benefit as a requirement for violation of the MCA § 2-2-121 (2)(a), nor does it state the business need be a for-profit business.

Great Falls city employees Gregory Gordos and Jeff Hedstrom were, at one time, board members of BSCNHA Inc. During that time, city employees and officials, including those named, completed work for, provided services to, arranged for or authorized the use of, city facilities to benefit BSCNHA Inc. Those employees and officials unethically used their connection to the city to provide public time, facilities, and resources to further their private business interest—BSCNHA Inc. City supervisory staff allowed, condoned or in some cases may have even encouraged it so they are culpable as well.

ASSERTION 2: Despite documentation presented by City Attorney Sexe of alleged examples of “approval” of the BSCNHA project by several city employees, tacit approval by city employees is not the same as an official action by the city commission to adopt a specific plan or project as a city-run or city-sponsored plan or project. Adoption of the 2013 Growth Policy for the city, where an NHA is mentioned but a specifically NHA proposal does not exist as the NHA had not been specifically fleshed out in detail, cannot be construed as acceptance of support for BSCNHA,

FACT: There has been no vote by the city commission to officially adopt BSCNHA as a city-run or city-funded plan or project.

FACT: The growth policy may have designated a National Heritage Area as a goal, but BSCNHA as a specific proposal was not approved as part of the growth policy.

FACT: Various city employees supported BSCNHA Inc over a sustained period (more than five years) using city resources at no charges to BSCNHA.

DISCUSSION: One of the main arguments used by City Attorney Sexe is that BSCNHA gained the city's approval at some time in the past, as far back as 2013.

City Attorney Sexe states on page 3 of her memorandum that City Planner Craig Raymond "considered the NHA effort to be sanctioned by the City Commission in the 2013 City's Growth Policy Update." She further claims the Growth Policy "identified that the development of an NHA would potentially promote tourism in the Great Falls area, and it was designated as a goal in the policy."

In 2013, the NHA was merely an idea and not a fully-fleshed out proposal. UMRPC now BSCNHA Inc, wasn't created until 2015. The proposed boundaries of the BSCNHA have changed a number of times through the years. Most of the BSCNHA's goals and objectives weren't finalized until the feasibility study came out this year.

Therefore, how can the city claimed that BSCNHA was part of a 2013 growth policy when the BSCNHA proposal, with clearly defined boundaries and objectives, didn't exist in 2013?

Passage of a 2013 growth policy, in which an NHA is mentioned as a general goal and the city's alleged acceptance of that goal, doesn't prove the city adopted BSCNHA in particular. Actions by the city to support BSCNHA Inc or the corporation's plan to seek NHA designation after 2013 appear to be mainly predicated on the initial acceptance of the idea of an NHA in the 2013 growth policy.

That city employees and officials relied on baseless assumptions in order to drive city decisions and the use of city resources isn't a good look for the City of Great Falls.

ASSERTION 3: Statement of a city commissioner who was also a former board member of BSCNHA Inc, during the public hearing for Resolution 10326, proves that the city commission and the City of Great Falls has never endorsed BSCNHA, or particularly important, has never adopted it as a city-sponsored or city-funded project. Subsequent questions by me at the same meeting, which were never answered, provides further proof.

FACT: In the video of the December 17, 2019, GF City Commission meeting where Resolution 10326 was discussed, @ 1:33:41 City Commissioner Tracy Houck states: **“We’re not saying that we’re endorsing the National Heritage Area.** We’re endorsing a grant that increases our economic impact and these are aligned with our city priorities.”

FACT: At that same meeting, I noted to the city commission that the resolution states that BSCNHA goals are “consistent with the City Commission’s Vision and Goals” so I asked the commission to tell me how they determined that was the case and when had they met, prior to the commission meeting, to determine that. No one answered my questions or addressed that statement.

DISCUSSION: Commissioner Houck was a former board member of BSCNHA Inc when she made that statement at the commission meeting. It seems obvious that she, of all people present, would have knowledge of whether the city officially endorsed BSCNHA and she confirm the city had not.

Houck’s statement disproves City Attorney Sexe's claim that the resolution was proof the city endorsed BSCNHA. This resolution was merely affirmation of the city commission’s desire to pursue application for a grant on behalf of Great Falls Development Authority, with the final recipient being BSCNHA. GFDA didn’t qualify to apply for the grant because they are neither a local government or certified economic development entity. They were to be the administrator of the grant.

Assertion 4: The city's use of personnel and resources to support the private non-profit BSCNHA Inc began in 2015—years before the 2019 city grant application resolution. Use of the resolution to retroactively is illogical.

FACT: I included in my original complaint many examples of the use of city resources used to benefit the private non-profit BSCNHA years before the aforementioned December 2019 grant application city resolution.

SUMMARY: In summary, language stating the city supports or even endorses the plans, policies or works of a private non-profit is one thing; providing substantial amounts of city employee work time, use of city resources and use of city facilities to provide an economic benefit to that private non-profit is quite another thing entirely.

Taxpayers of Great Falls would be incensed to learn that their money went to further the plans of a private non-profit whose ultimate goal, the Heritage Area, faces much opposition amongst Great Falls and Cascade County citizens. An online petition opposing the Heritage Area has more than 2700 signatures. Many local organizations, including the local agriculture groups, have officially signed resolutions opposing the Heritage Area. The cities of Belt and Cascade as well as the Cascade County Commission have all voted to oppose the Heritage Area.

The fact that the city has essentially helped financially support a private non-profit organization over a sustained period of time (at least five years) by providing them city employee time and the use of city resources and facilities, without either the knowledge or consent of the residents of Great Falls, shows just how unseemly of a relationship exists between the city and BSCNHA Inc.

This needs to be addressed in a public hearing.

Response to the Ethics Complaint:

In light of the hearing being set, I was looped in recently about this complaint against my and former colleagues' involvement in the matter. *(Stating just for the record, I accepted a position to work for the State of Montana in a Helena office just over a year ago, November of 2019).* It was my understanding that these NHA efforts and support were being performed as sanctioned by the City of Great Falls and supported under the 2013 City Growth Policy Update. I was not a board member as some of the documentation refers too, nor was I involved from the very beginning (I started working with the heritage organization December of 2015) as an ex-officio member of the Heritage Database Committee representing the position I held at the time with the City of Great Falls. The committee met monthly between 2016-2017 and periodically from thereafter up until January 2019. During this time, I did coordinate datasets to be assembled within the database that were subsequently used in the maps for the heritage organization. Knowing what I know now, that this NHA effort/support were not fully sanctioned by the City, I should have been tracking and charging for the City resources we were using or coordinated alternatives away from City-owned resources. I was simply following superiors above me but accept responsible for my actions.



Jeff Hedstrom

Memorandum



TO: Sara Sexe, City Attorney

FROM: Craig Raymond, Director, Planning and Community Development

DATE: January 28, 2021

SUBJECT: February 3, 2021 Ethics Hearing Supporting Documents Submittal

Sara, thank you for the opportunity to submit supporting documentation which I intend to reference and discuss during the hearing scheduled for February 3, 2021. I do not have any extensive report to submit, rather I will save my remarks for the time allotted during the hearing. My documents include:

- Agenda Report supporting Resolution 10032 adopting the City of Great Falls Growth Policy
- Resolution 10032 adopting the Growth Policy
- Pertinent portions of the City of Great Falls Growth Policy
- Inter-office Memorandum which outlines "Internal Charges for a City Event or City Sponsored Events"

If there are any further questions please feel free to contact me directly.



Agenda # 19
 Commission Meeting Date: August 6, 2013
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Public Hearing - Resolution 10032 to adopt the proposed Update to the Growth Policy for the City of Great Falls

From: Ida Meehan, AICP, Comprehensive Planner, Planning and Community Development

Initiated By: City Commission, See Resolution 9951

Presented By: Craig Raymond, Director, Department of Planning and Community Development

Action Requested: City Commission adopt Resolution 10032 to adopt the proposed Update to the Great Falls Growth Policy

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents
2. Mayor closes public hearing and asks for the will of the Commission

Suggested Motion:

1. Commission moves:

“I move that the City Commission (adopt/deny) Resolution 10032 and adopt the proposed Update to the Great Falls Growth Policy.
 2. Mayor calls for a second, discussion, public comment, and calls the vote.
-

Staff Recommendation:

The City of Great Falls Growth Policy serves as the official public document used by the City to guide current and future social, environmental, economic and physical policy related to growth and development in the City. The Growth Policy has not been fully updated since 1999, receiving only minor amendments in 2003 and 2005. Since a Growth Policy is a document that offers guidance, it is incumbent that the document be current, relevant, and supported by the public.

In addition, the Growth Policy is a requirement of Montana law. Montana law requires a municipality's zoning and subdivision regulations to be in compliance with an adopted growth

policy. It is important for the City to have a current and adopted growth policy as a jurisdiction that routinely annexes, zones and subdivides property. Montana Code Annotated (MCA) 76-1-604 requires governing bodies to "...adopt a resolution of intention to adopt, revise or reject the proposed growth policy or any of its parts."

On July 2, 2013 the City Commission adopted Resolution of Intent 10031, setting August 6, 2013 as the public hearing date for the City Commission to consider adoption of the proposed update to the City of Great Falls Growth Policy. Staff briefed the City Commission at its July 16, 2013 work session. A legal notice was published on July 14, 2013 and July 21, 2013 in the Great Falls Tribune.

Staff is recommending that Resolution 10032 to adopt the proposed update to the current Growth Policy be adopted. This recommendation is consistent with that of the Planning Advisory Board (PAB). On June 11, 2013, the PAB voted (8-0) to recommend that the proposed update to the Growth Policy be adopted.

Background:

MCA 76-1-106 charges the Planning Advisory Board, if requested by the City Commission, with updating the Growth Policy in its capacity as an advisory board to the City Commission. Resolution 9951 directed the Planning Advisory Board to update the City of Great Falls Growth Policy.

The proposed Growth Policy revisions are the result of an extensive public participation process. Public outreach included two community open houses, a survey, interactive exercises, keypad polling, public presentations and approximately 450 working group volunteer hours. Staff also involved the City's nine Neighborhood Councils and the Council of Councils. In addition, all public participation results have been shared on the City's website throughout the process.

The proposed amendments to the Growth Policy are organized by four major topical areas and consist of 25 Objectives. These Objectives include a mix of current and updated policies based on public and departmental participation. The framework of the draft includes information pertaining to the community's social, environmental, economic and physical make-up. These areas also served as the core framework by which the working groups discussed and addressed issues. These broader areas include required and optional elements of the Growth Policy such as: Land Use, Housing, Population, Local Services, Natural Resources, Public Facilities, Economic, Sand and Gravel and Wellness.

The plan includes information indicating that the City has experienced a slow and steady increase in population during the past decade. The City's population growth is projected to continue over the course of the planning horizon (up through 2025). The Montana Department of Commerce has just released what are referred to as eREMI projections. These are population projections, through the year 2060, done in consultation with the eREMI firm for the State of Montana. These results project the City's population will increase from its current estimate of 58,950 to an estimated 67,786 in 2025 (adjusted for the City's share of Cascade County's total population).

Map 23 on page 108 in the proposed Growth Policy document illustrates how the City has been expanding incrementally through annexation. While the City encourages and routinely accommodates this type of growth, information in the plan also suggests that there are opportunities for the City to grow in other ways.

These other options include development within the City's designated Tax Increment Finance Districts (TIFs), increased residential development downtown, development on the City's vacant lots, brownfield development and the redevelopment of other underutilized properties, and development on the County enclaves (if annexed) that are within the City limits. These "infill" opportunities oftentimes are less dependent on new infrastructure, while having the benefit of existing services and amenities.

The update to the Growth Policy also recommends a concept referred to as "Healthy by Design." This is a holistic concept that promotes health, safety and neighborhood-based considerations as part of land use implementation. Many of the concepts embodied in Healthy by Design are already occurring in the City. These concepts include an emphasis on trails, safe and comfortable sidewalks, community gardens and small scale commercial and mixed-use. By recognizing this concept within the Growth Policy update, the City can support the current work being done in the community toward this aim, and perhaps be better positioned to pursue future work in this regard.

This Update to the Growth integrates the goals of the *Downtown Master Plan* and the *Missouri River Urban Corridor Plan*. These plans were adopted as attachments to the current Growth Policy. The Update to the Growth Policy also recognizes the efforts of the City's non profits as key contributors and problem solvers in the community. In essence, the plan seeks a balanced, inclusive approach toward improving Great Falls. This inclusive approach calls upon the City, its departments, residents and Neighborhood Councils, institutions, and both the public and private sectors to achieve the visions within this document.

The proposed Growth Policy update has been posted on the City's website, along with the public participation process for this planning effort. Paper copies are available in Room 112 of the Civic Center. A legal notice was published on July 14, 2013 and July 21, 2013 in the Great Falls Tribune. In addition, staff briefed the City Commission on the proposed Update to the Growth Policy at its July 16, 2013 work session.

Concurrences: Representatives from the City's Departments have participated in the process.

Fiscal Impact: Adoption of the Updated Growth Policy will have no fiscal impact to the City. Many of the action items are within the scope of existing or planned activity. Action items within the Growth Policy are not mandated. Any specific regulatory item emanating from the Growth Policy would have to have a separate public hearing, fiscal note and adoption process.

Alternatives: The City Commission could revise or reject Resolution 10032 and the proposed Update to the Growth Policy.

Attachments: Resolution to Adopt 10032
Proposed Growth Policy Update dated August 6, 2013
Comments and Changes from July 2, 2013 Growth Policy Update Draft
Resolution of Intent 10031

cc: Patty Cadwell, Neighborhood Council Coordinator

RESOLUTION 10032**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO ADOPT THE UPDATE TO THE CITY OF GREAT FALLS GROWTH POLICY**

WHEREAS, the City of Great Falls Growth Policy serves as the official public document used by the City to guide current and future social, economic, environmental, and physical policy related to growth and development; and

WHEREAS, the Growth Policy is a requirement of Montana State Law; and

WHEREAS, the Growth Policy has not been fully updated since 1999, receiving minor revisions in 2003 and 2005; and

WHEREAS, in accordance with § 76-1-106, MCA, Resolution 9951 directed the Planning Advisory Board to update the City of Great Falls Growth Policy; and

WHEREAS, the Planning Advisory Board noticed and held a public hearing on June 11, 2013, and unanimously voted to recommend that the City Commission adopt the update to the Growth Policy as the official City of Great Falls Growth Policy; and

WHEREAS, in accordance with § 76-1-106, MCA, the City Commission is authorized to adopt, revise or reject a proposed growth policy, upon recommendation by the City's Planning Advisory Board; and

WHEREAS, pursuant to § 76-1-604, MCA, the City Commission adopted Resolution 10031 on July 2, 2013, a Resolution of Intention to Adopt the Update to the City of Great Falls Growth Policy, and set public hearing to consider adoption of the update to the City of Great Falls Growth Policy for August 6, 2013; and

WHEREAS, notice of passage of Resolution of Intention 10031 was published in the *Great Falls Tribune* on July 14 and July 21, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the Great Falls Growth Policy, attached hereto and by reference made a part of hereof, is hereby adopted as the official Growth Policy for the City of Great Falls.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 6th day of August, 2013.


Michael J. Winters, Mayor

ATTEST:


Lisa Kunz, City Clerk



APPROVED FOR LEGAL CONTENT


Sara R. Sexe, City Attorney

INTRODUCTION

Introduction

Great Falls is great!! And Great Falls is on the move. With the *Downtown Master Plan* adopted and this Growth Policy in motion, the City has a renewed opportunity to strategically chart its future course. The Growth Policy is a requirement of Montana State Law and, in effect, serves as the City's comprehensive plan for the future. This Growth Policy Update strengthens and highlights existing initiatives while creating the pathways for others.

The City's population has grown 3% since 2000. According to population projections reported by the Montana Department of Commerce, the City is projected to steadily grow through the 2025 planning horizon and beyond. This growth can be attributed, in part, to the City's role as a regional trade and medical hub for north central Montana.

The City's Growth Policy is utilized for guidance in land use, service delivery, policy making and decision-making. The Growth Policy also serves as the City's "to do" list for the future. Many of the activities identified in this plan are underway or ongoing. Not all of these items may be achieved during the planning timeframe. Some may be visions, aspirations, or subject to change. Nonetheless, collectively these proposed items embody the thoughts, wisdom and ideas of participants.

Great Falls, like all cities, is impacted by changes at the Federal and State level, technologies and demographics. Therefore, it was important that this planning process review changing trends, conditions and issues. One such trend relates to oil and gas development in Montana. The City is experiencing direct and indirect impacts as a result of regional oil and gas development. These impacts need to be understood and monitored. In addition, there are an array of new tools, resources, data and solutions that abound today. Finally, this planning effort is timely and in that it occurs at a time when many residents are regaining their economic footing from the turbulent upheaval of the recent recession and the fiscally slow times of recent years.

The City of Great Falls is entering a potentially transformative period filled with many new choices. This report is premised, therefore, on the overwhelming need and desire by the citizens of Great Falls to keep pace with the drivers of change and envision new, different, and balanced solutions for the next planning horizon. If this challenge is met, Great Falls can continue to grow and develop in a manner that maintains the City's small town charm and feel, promotes increased prosperity and pride, and fosters a healthy and vibrant community for all to share.

ECONOMIC

are a number of private schools as well. The Montana School for the Deaf and Blind is located here and is reputed to be one of the finest special education schools in the United States.

The City is home to the University of Great Falls (UGF), a private Catholic college that is fully accredited. The University of Great Falls was founded in 1932 and provides post-secondary education to the region. In addition to its campus offerings, UGF serves 31 sites in Montana, Southern Alberta and Wyoming through its telecom Distance Learning Program. The UGF offers undergraduate degrees in over 20 programs and several Masters Degree programs, including an on-line Masters of Art in Teaching in partnership with Bellevue University of Nebraska.

Great Falls is also home to Great Falls College-Montana State University. An integral part of the College's outreach mission is learning opportunities for workforce development, including contract training. This includes customized training assistance to businesses and individuals such as Great Falls Clinic, Pennsylvania Power Light-Montana, Veterans Upward Bound, and the Montana Air National Guard Family program. Currently, the College is training welders for the oil and gas support manufacturing industry that is growing in the City. The Great Falls College MSU offers two-year degree programs in a wide array of fields. This school also has affiliations with several four year programs throughout the State.

The City is also proud to be the location for the McLaughlin Research Institute. The McLaughlin Institute is a center for neurogenetic research on Alzheimer's, Parkinson's, and other degenerative nerve diseases. The Institute is an independent, non-profit organization located in Great Falls, Montana. The work of the Institute is internationally known and is the foundation for medical advances that will prevent and cure these devastating diseases, while finding new therapies.

Tourism

Tourism is one of Montana's leading industries and primary revenue drivers. According to the Montana Department of Commerce, every dollar spent on tourism advertising yields \$157 in visitor spending in Montana. Funding for tourism marketing efforts can generate increased visitor spending, which in turn increases income, property and corporate tax collections. The City's Visitor Center, the Convention and Visitor's Bureau, and Chamber of Commerce support the statewide and regional marketing effort. The Great Falls Development Authority has undertaken a branding effort to promote the City in all circles.

The City's heritage has conjured up nostalgic terms such as "Electric City" and "Authentic Montana." Sporting enthusiasts love the River's Edge Trail and other gems such as the Lewis and Clark Interpretative Center. The Interpretative Center offers exhibits, live programs, and video accounts of the Lewis and Clark Expedition, Giant Springs Heritage State Park preserves the largest natural, cold water springs in the world, and feeds the Roe River, the shortest river in the world. Great Falls was the home to cowboy artist Charlie Russell and his original home, log studio along with a modern art museum, are enjoyed by many today as are museums such as the Paris Gibson Museum of Art and other cultural assets. In addition, the visitors to the City can see five area falls, including "the great falls." The First People's Buffalo Jump located nearby to Great Falls has become an international destination. The City's downtown, historic buildings and events further support tourism growth and potential in the area. There is great interest in

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designating the Missouri River and its association with Lewis and Clark, as a National Heritage Area. Such a designation would further bolster the tourist potential of Great Falls.

A review of local tax revenue as reported from the State Department of Commerce indicates tourism receipts are on the increase. Table 7 below illustrates this trend.

City of Great Falls Gross Lodging Tax Revenue	
2007	\$991,934 (+13%)
2008	\$1,158,724 (+17%)
2009	\$1,121,022 (-3%)
2011	\$1,338,831 (+11%)
2012	\$1,421,509 (+6%)

Table 7

The City has implemented a local bed tax to enhance tourism efforts within Great Falls. The Tourism Business Improvement District (TBID) was adopted by the City Commission in 2008. These monies fund grants and local efforts to sustain and grow. The mission of the TBID is to generate room nights for the lodging facilities in the City of Great Falls, Montana by effectively marketing and funding grants to promote the region as a preferred travel destination, within the State, regionally and with Canada to the north.

Location

It is interesting to note that the City's location within close proximity to two major National Parks and public lands is increasingly recognized as an economic and recreational asset. According to Dr. Richard Barrett of the University of Montana, "Public lands are an essential component of the larger public infrastructure that provides the amenities and services needed for businesses and families all across Montana and the West to prosper." According to Headwater Economics, economists believe protected federal lands are an important driver of economic growth. The report goes on further to state, "Across Montana and the West, protected federal land such as National Parks and Wilderness are associated with higher rates of job growth."

Many believe that the City has great potential to capitalize on its location. The City is just a few hours away from Glacier and Yellowstone National Parks. Numerous other state lands and ample fishing and outdoor recreational opportunities are close by. And, its proximity to the populous Calgary, Alberta could draw larger numbers of visitors to attractions and lower-cost shopping. Great Falls is also near the smaller population centers of Missoula, Lethbridge and Billings. Over time the City could attract more visitors from these three cities in the future.

ENVIRONMENTAL POLICIES

Missouri River

ENV 2.2 Continue to maintain, protect and enhance the environmental values and the natural attributes of the Missouri River system.

Policies

- Env2.2.1 Identify, stabilize and manage the Missouri's floodplain and river bank so as to protect the river, its riparian assets and adjoining lands.
- Env2.2.2 Partner with the State and Cascade County to establish an equitable Total Maximum Daily Load (TMDL) for the long-term health and maintenance of the Missouri River. Implement Phase II Storm water regulations in the City, including Best Management Practices (BMPS).
- Env2.2.3 Continue to identify and remediate groundwater, point and non-point impacts to the River's water quality.
- Env2.2.4 **Develop, maintain and enhance the River's value as a public amenity and resource, including resource management determined to be consistent with these values, such as:**
- Public access, connectivity and viewing
 - Recreational values
 - Urban habitat
 - Leisure, dining and mixed-use development
 - Education
 - **Designation as a National Heritage area**
- Env2.2.5 Continue to implement the *Missouri River Urban Corridor Plan* as the long-term vision for the river system.
- Env2.2.6 Support mixed-use and commercial development that will enhance the Missouri River consistent with the vision identified in the *Missouri River Urban Corridor Plan*.
- Env2.2.7 Expand access to and use of the River's Edge Trail.
- Env2.2.8 Explore the use of digital wayfinding along the trail and at other key junctures in the City.



ECONOMIC POLICIES

Balanced Economic Development Approach**ECO3.7 Support a balanced economic development approach to enhance and diversify the City's economic development capabilities.****Policies**

- Eco3.7.1 Develop the City's capacity to conduct public-private partnerships and diversify economically. Specifically, evaluate establishing an economic development mill levy including:
- a. A planning time frame
 - b. An education and collaboration strategy
 - c. A process for the identification of outcomes and benefits
- Eco3.7.2 Improve the development process by creating an ombudsman role to foster a "business friendly" environment and to provide expertise on the City's Codes.
- Eco3.7.3 Manage the City's Tax Increment Finance Districts (TIFs) toward the creation of long-term improvements, with special emphasis on applying funds to capture, retain and reinvest dollars within the designated TIF boundaries.
- Eco3.7.4 Capitalize on the City's potential for outdoor, recreational and heritage tourism especially with regard to its location near to ecologically significant and vital public lands.
- Eco3.7.5 Pursue the City's competitive advantage, especially with regard to value-added agriculture of all types, including opportunities for organic foods and the introduction of new crops to the region.
- Eco3.7.6 In keeping with the City's industrial heritage, develop, maintain and utilize infrastructure that ensures "shovel ready" industrial sites.
- Eco3.7.7 Create a Revolving Loan Fund (RLF) for infrastructure improvements by offering a 0% interest rate to provide gap infrastructure for new projects. Examples of suitable projects include sidewalks, sewer and water improvements and improvements needed to meet Americans with Disabilities Act (ADA) requirements.
- Eco3.7.8 Encourage entrepreneurship and free market innovation.





Inter-Office Memorandum

Internal Charges for a City Event or City Sponsored Events

Last revised 8/22/19

To qualify, event must meet all the criteria below:

- A non-partisan, public meeting;
- The event is free. No fee charged to any attendees (includes any registration fees, any booth fees, any cash donations, any attendance fees, etc.);
- The sponsoring City department has found that the event is an integral part of its department's mission and goals; and
- The sponsoring City department must have staff on site during the event to perform the duties of Events labor (garbage, bathrooms, etc.) and will be billed via interfund transfer for the event.

Events staff needs your vigilance in determining a City sponsored or co-sponsored event:

- Please keep in mind: full use fees are set below cost and most renters are nonprofits. A City sponsored or co-sponsored event competes for general tax funding as it loses opportunity for The Mansfield to bring in revenue for the City.

	Your department's cost:
Rainbow and Ryan Rooms (\$75)	
• Default only (no other options)	No Charge
Gibson Room (\$250)	
• Default or use of existing set up	No Charge
• All Other Setup/Teardown	\$55
Missouri Room (\$600)	
• Default: Blank Floor	No Charge
• All Other Setup/Teardown	\$125
Mansfield Convention Center (\$1,495 - \$1,995)	
• Default: Blank Floor	No Charge
• All Other Set up/Teardown	Call for quote (\$100/hr event, \$30/hr set up)
Mansfield Theater (\$950 - \$4,335 w2/.00/ticket)	
• All Setup/Event Time/Teardown	\$73.5/hour with 2-hour minimum
• Fee includes Technical Director who must be present whenever Theater is accessed	

Other Fees:

See Ancillary Services Form for equipment, linen, etc. fees. These fees are not subsidized and will not be waived.

Billing/Payment Process:

An interfund transfer will be sent to the sponsoring City department following the event.

Contact:

The Mansfield at the Civic Center, 455-8495, kheims@greatfallsmt.net

February 20, 2020

Mr. William Bronson, Registered Agent
Big Sky Country National Heritage Area, Inc.
P.O. Box 3485
Great Falls, MT 59403

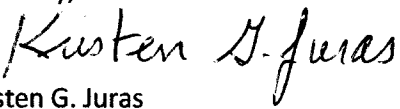
Dear Mr. Bronson and Directors of Big Sky Country National Heritage Area, Inc.:

I own property in Cascade County that falls within the boundaries of the proposed Big Sky Country National Heritage Area. As a property owner whose property lies within the proposed boundaries of the area, I request the following documents:

- (1) The current bylaws of Big Sky Country National Heritage Area, Inc. (the "Corporation");
- (2) The most recent draft of the feasibility study prepared by the Corporation;
- (3) Any written comments received from the National Coordinator for national heritage areas on draft feasibility studies prepared by the Corporation;
- (4) Copies of draft legislation presented by the Corporation to members of Montana's Congressional delegation;
- (5) The most recent inventory prepared by the Corporation of significant historic resources located within the proposed national heritage area;
- (6) Financial statements for the Corporation for 2015 through 2019;
- (7) The Corporation's budget for 2020;
- (8) The amount of rent paid by the Corporation since 2015 to the City of Great Falls for use of city-owned property for the Corporation's meetings and events;
- (9) The amount of compensation paid by the Corporation to the City of Great Falls since 2015 for the services of city employees Gregory Gordos, Jeff Hedstrom, or other City employees in preparing maps, newsletters, or other materials for use by the Corporation;
- (10) A copy of the maps prepared by the Corporation of the proposed national heritage area (including all layers);
- (11) The amount of compensation paid by the Corporation since 2015 to Cascade County for use of county-owned phone lines in receiving inquiries regarding Big Sky Country National Heritage Area (a county phone number is listed as the contact on your website);
- (12) The amount of compensation paid by the Corporation since 2015 to Cascade County for services provided by its employees for the benefit of the Corporation, including but not limited to the services of county employee Michaela Fraser in creating a master contact list for the use of the Corporation as referenced in the February 5, 2016 minutes;
- (13) Minutes of all meetings of the directors of the Corporation since February 29, 2016; and
- (14) Minutes of the three public meetings held by the Corporation in 2019.

I will pay for the reasonable cost of copies of the documents provided.

Sincerely,


Kristen G. Juras



Big Sky Country National Heritage Area, Inc.
PO Box 1323
Great Falls, MT 59403

Board of Directors

Jane Weber, Chair
Cascade County Commissioner

Richard Ecke, Vice-Chair
Journalist, retired

Lynette Scriver-Colburn,
Secretary
United Way of Cascade County

Jerry Lehman, Treasurer
Shareholder, JCCS Accountants

Carol Bronson
Community Engagement
NeighborWorks Great Falls

Brett Doney
President & CEO,
GF Development Authority

Gayle Fisher
Executive Director,
Central MT Tourism

Connie Jenkins
Community Activist, Fort Benton

Chris La Tray
Author, Representative, Little Shell
Tribe of Chippewa Indians of MT

Reneé McDonald
Landowner & Educator, Fort Benton

Murry Moore
Mayor of Cascade

Charlene Porsild
CEO, MT History Foundation

Ken Robison
Historian

Ellen Sievert
Cultural Resource Consultant

John Taillie
Regional Park Manager
MT State Parks

Mary Willmarth
Owner, Vision West, Inc.
Consulting

Ex-Officio Members

Kathleen McCourt
Historic Preservation Officer
Great Falls-Cascade County

Legal Counsel

Bill Bronson
Great Falls, MT

Tax ID Number: 30-0924368

April 8, 2020

Ms. Kristen Juras

RE: Letter Request February 21, 2020

Dear Ms. Juras:

On behalf of the Big Sky Country National Heritage Area, Inc., I am responding to your letter of February 20, mailed to our legal counsel, Mr. William Bronson. Following consultation with the Executive Committee of the Board, as well as Mr. Bronson, I offer the following response.

Your request to receive information as a “property owner” within the boundaries of the proposed Heritage Area appears based upon a certain premise – i.e., that congressional action or approval somehow impacts you personally as a property owner, or any rights respecting such property. Nothing could be further from the truth. The Executive Committee therefore finds it appropriate to offer these prefatory comments, in hopes they will mitigate any concerns you might have about our activities.

In recent years, enabling legislation creating other Heritage Areas across the United States specifically *acknowledges and protects* private property rights, as well as certain state and local interests respecting matters under their jurisdiction. The following is a sample of the language used in several recent statutes:

“PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this [Act]—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area designated by [this Act];

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) enlarges or diminishes the treaty rights of any Indian Tribe within the National Heritage Area;

(7) diminishes—

(A) the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within a National Heritage Area designated by subsection (a); or

(B) the authority of Indian Tribes to regulate members of Indian Tribes with respect to fishing, hunting, and gathering in the exercise of treaty rights; or

(8) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property”

Recently, the National Park Service advised us, as part of the review process for the feasibility study, that the study format that will eventually go out for public comment, must contain the following disclaimer:

Private Property / Land Use

Designation of a national heritage area does not prove the coordinating entity or any federal agency with the authority to regulate land or land uses. Designation would have no effect on private property rights. Participation in proposed projects and programs is voluntary, with zoning and land-use decisions remaining under local government jurisdictions. In addition, the coordinating entity is prohibited from using the federal funds it receives to acquire real property.

A national heritage area is not a unit of the national park system, and National Park Service involvement with national heritage areas is advisory in nature. No land is owned or managed by the National Park Service under this designation. If a national heritage area is designated by Congress, the National Park Service then partners with local communities to help plan and implement activities that emphasize a shared vision of heritage-based interpretation, conservation, and stewardship.”

In summary, nothing in the proposal advocated by BSCNHA will in any way affect private property rights.

The majority of the BSCNHA Board members, like you, are also private property owners. At least one member is involved in farming/ranching in nearby Chouteau County. The current chair of this Board, as well as Mr. Bronson, are either presently involved in, or have been involved with, local land use planning and zoning issues for several years, and have no interest in ceding that authority to the federal government or to the influence of a private entity. One of the Board members is a state agency official charged with carrying out state wildlife and recreation policies, and likewise has no desire to see federal officials or a private entity overriding or compromising that authority.

Indeed, in 2017, the Board adopted a corporate resolution, No. 2017-2, to guide further legislative efforts, expressly endorsing the protections and restrictions set forth in enabling legislation. We have enclosed a copy of that resolution for your review.

That the intentions of this Board are sincere in their support of property rights protections is not in doubt. Northwestern Energy and British Petroleum/ARCO have supported BSCNHA’s organizational efforts with financial support for the feasibility study. We assume that sophisticated entities like these companies would not support our efforts if there was any indication that either BSCNHA or its board members were promoting federal regulation or usurpation of property rights.

In summary, I hope the forgoing information clarifies the covenants and restrictions in place in the event National Heritage Area designation is ever granted by Congress. Although BSCNHA would like to be identified as the “local coordinating entity” to work with individuals and local governments in the area designated by Congress, there is no guarantee that will be the case. Nevertheless, regardless of which group or entity is identified as the coordinating entity, rest assured that it will not be involved in any way in affecting your rights or the rights of anyone else.

In that regard, I welcome receipt of any information you have that even remotely suggests that any NHA has somehow negatively impacted private property rights. You made mention of having those materials in both a recent presentation to the Pachyderm Club and during public comment at the BSCNHA February board meeting. As requested at the February BSCNHA board meeting, I would much appreciate the opportunity to review that information and have a like opportunity to comment on it, as appropriate.

Now to your specific requests: we appreciate your desire to know more about many aspects of BSCNHA's activities, but we also assume you are mindful that the corporation is a private, non-profit corporation, which maintains some rights as to what information it might disclose at random to members of the general public. For that reason, some information disclosed in conjunction with this letter is done so voluntarily and should not be considered a waiver of any rights the corporation has with respect to public disclosure of its business affairs.

As to the enumerated requests:

- 1) Current by-laws: although these are not publicly filed with the Montana Secretary of State, I am happy to provide you a copy in their current form;
- 2) The feasibility study: this document is currently an in-house working document. While it has been under technical review by regional representatives of the National Park Service, it will be made available for public review and comment once those technical comments have been incorporated into the final draft report. You and every other member of the public will have an opportunity to review it at that time; however, the Board of Directors is cognizant of the impact the COVID-19 issue is creating across our nation and does not wish to begin the public review process in the midst of this time of national crisis when our community is appropriately focused on the health of our community.

We do not have a date-certain for the release as the COVID-19 issue continues to evolve in Montana. Nevertheless, once the crisis is past us, the public review process will commence.

- 3) Written comments by the national coordinator: we understand you or others have made an FOIA request for such information, and therefore, we defer to their office's determination;
- 4) Copies of draft legislation: the corporation regards any drafts prepared by our legal counsel as confidential. However, there are numerous templates of what that legislation would look like in final form, and these are publicly available online. We recommend you review the language the most recent National Heritage Area designations made in February 2019 as part of the comprehensive public lands bill approved by Congress;
- 5) Inventory: this information is included in the forthcoming feasibility study.
- 6) - 7) Financial statements for the corporation and the corporation's 2020 budget: these documents are considered private information.
- 8) Rent paid to the City of Great Falls: the concept of the National Heritage Area designation originated from the city planning office under Assistant Planning Director, Lee Nellis. At that time, the meetings were called by a city employee with the intent that eventually a community group would assume the administrative duties to move the project forward. BSCNHA was established (originally Upper Missouri River Heritage Area Corporation, Inc.) to take on the role. Regardless, the City has a history of making the Gibson Room and like spaces available for use to various non-profits at no charge. We understand this policy has been in place for many years. Our legal counsel has informed us that back in the 1990s, the local Republican Central Committee was also allowed to use the Gibson Room for a fairly large meeting of Central Committee officers and precinct committee representatives, at no charge;
- 9) Compensation to City of Great Falls: No funds have been exchanged between the City of Great Falls and BSCNHA. The idea for an NHA designation originated with the city and several city employees were assigned by their supervisors to work on the NHA project.

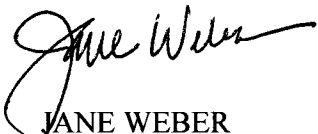
- 10) Maps: these are included with the feasibility study. Please note that any boundaries used are not jurisdictional in nature, as with, say, a National Park, but are rather indicative of the specific area in which the proposed NHA would undertake any activities, subject to all restrictions placed upon the NHA by Congress. These boundaries could be modified by Congress at the time the NHA is under consideration for designation;
- 11) Compensation to Cascade County: No funds have been exchanged with Cascade County.
- 12) Compensation to Cascade County employee, Michaela Fraser: No funds were provided for the administrative task of typing approximately 120 names onto an Excel spreadsheet.
- 13) - 14) Minutes of meetings: the corporation deems these minutes to be proprietary in nature and will not make them available. Notwithstanding this position, as I have advised you previously, you are welcome to attend meetings of the corporation Board of Directors. Public Comment is always an agenda item. *Unfortunately, due to the recent coronavirus outbreak, there will be no Board meetings until further notice.*

We would also like to take this opportunity to correct another misrepresentation about our efforts, which has been made known to us through a recent letter to the editor of the *Great Falls Tribune*. We understand some individuals believe that the local coordinating entity will somehow be involved in lobbying local government authorities for zoning changes that will adversely affect property rights. Once again, nothing could be further from the truth:

- Supporters of the local Heritage Area designation are not interested in or advocating for local land use changes. As in other parts of the country, Heritage Area organizations serve to promote the historical and cultural resources in the area, and leverage these in large part of economic development in the region;
- Further, the tax-exempt status of BSCNHA sharply limits its ability to engage in lobbying activities. BSCNHA is a 501(c)(3) organization, engaged in charitable and education endeavors consistent with that designation. IRS policy, based on congressional enactments, does not allow such organizations to spend a substantial amount of time engaged in lobbying. If the proposed heritage area is approved by Congress, and if BSCNHA becomes the local coordinating entity, then consistent with the intent of the legislation, and to maintain its tax-exempt status, BSCNHA would not be involved in the kind of lobbying activities some are assuming would take place.

The Executive Board of Directors is more than willing to meet with you to discuss any of these items in greater detail after the COVID-19 pandemic has passed. You can reach me by calling me at 406-781-0741 when that time arrives. In addition, we hope you will research the activities of existing NHAs around the country, to get a sense of the good they do in their areas. BSCNHA seeks nothing more than to accomplish the same goals in our region.

Sincerely,



JANE WEBER

Chairman, Big Sky Country National Heritage Area, Inc.

Enclosures (2): Corporate Resolution 2017-2 and Bylaws

2.21.040 - Definitions.

As used in this section:

- A. "Agency" means any agency, board, governing body, including the chief executive officer, office, commission, or other instrumentality within the City of Great Falls, and any independent local authority created by or appointed under the authority of the City of Great Falls.
- B. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity.
- C. "Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency, who is not a local government officer.
- D. "Interest" means the ownership or control of more than ten (10) percent of the profits, assets or stock of a business organization, but shall not include the control of assets in a non-profit entity or labor union.
- E. "Member of immediate family" means the spouse or dependent child of an officer or employee residing in the same household.
- F. "Officer" means any person whether compensated or not, whether part-time or full-time, who is one (1) of the following:
 - 1. **Member of the City Commission;**
 - 2. City Manager;
 - 3. Deputy City Manager;
 - 4. Director, Department of Finance;
 - 5. Director, Department of Planning and Community Development;
 - 6. Director, Department of Public Works;
 - 7. Director, Department of Parks and Recreation;
 - 8. Chief of Police;
 - 9. City Clerk;
 - 10. City Attorney;
 - 11. Municipal Judge;
 - 12. Fire Chief;
 - 13. Library Director;
 - 14. Human Resources Director;
 - 15. Housing Authority Director; or
 - 16. A member of any City board, council, committee, or commission.
- G. "Officer or employee" means an officer or employee of the City of Great Falls or of an agency under the authority of or appointed by the City Commission.

(Ord. 3183, 2017; Ord. 3169, 2017).

2.21.050 - Ethical standards.

In addition to complying with the provisions of Mont. Code Ann. Title 2, Chapter 2, officers and employees of the City of Great Falls shall comply with the following provisions:

- A. No officer or employee of the City of Great Falls shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;
- B. No officer or employee shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;
- C. No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to:
 - 1. impair his or her objectivity or independence or judgment, or
 - 2. substantially conflict with the proper discharge of officer or employee's governmental duties;
- D. No officer or employee shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;
- E. No officer or employee, any member of his or her immediate family, or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties, the appearance of impropriety must be avoided by the acceptance of such a gift;
- F. No officer or employee shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;
- G. No officer or employee, or any business organization in which he or she has an interest, shall represent any other person or party except the City in connection with any cause, proceeding, application, or other matter pending before any agency of the City of Great Falls; except in the process of collective bargaining for public employees or where any officer or employee or members of his or her immediate family shall represent himself, herself or themselves, in negotiations or proceedings concerning his, her, or their own interests;
- H. No officer shall be in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no particular material or monetary gain accrues to him or her, or his or her immediate family;
- I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if in return, no fee, reward, or other thing of value is directly or indirectly promised to or accepted by the officer or a member of his or her immediate family;
- J. No officer or employee, elected or appointed in the City, shall without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or governmental affairs of the City;
- K. No officer or employee shall approve, disapprove, or in any way recommend the payment of any bill, voucher, or indebtedness in which he or she has direct or indirect interests except reimbursement for proper expenses otherwise approved by the City Manager;
- L. No officer or employee shall request, use, or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or advantage for himself or any other person; except where it is the general practice to make the same available to the public at large, or where the same is provided pursuant to stated public policy for the use of officials and employees in the conduct of official business;

- M. All officers or employees shall exercise prudence and integrity in management of public funds in their custody and in all financial transactions;
- N. All officers or employees shall uphold the letter and spirit of the constitution, statutes, and regulations governing their duties and report violations of the law to appropriate authorities;
- O. All officers or employees shall be sensitive and responsive to the concerns and questions of the public; and
- P. All officers, whether elected or appointed, shall file a signed written disclosure with the City Clerk, and City Attorney, disclosing any appearance of a violation of this chapter, and said disclosure may, within the City Manager's discretion, be forwarded to the Great Falls Ethics Committee for determination if a violation of this chapter exists and appropriate course of action.

(Ord. 3169, 2017).

2.21.060 - Great Falls Ethics Committee established.

The City Commission hereby establishes The Great Falls Ethics Committee hereinafter referred to in this chapter as the "Committee."

(Ord. 3169, 2017).

2.21.070 - Committee purpose.

The purpose of the Committee is to ensure that all City officers and employees are performing their duties in compliance with the provisions of Mont. Code Ann. Title 2, Chapter 2, and the provisions of this chapter.

(Ord. 3169, 2017).

2.21.080 - Committee membership.

- A. Subject to the provisions provided in Subsection (B.) of this part, the Committee shall consist of three (3) members and one (1) alternate member, who shall be appointed and ready to serve in the event that a Committee member is unable or unavailable to serve. The members and alternate shall be appointed by the City Commission for not more than three (3) consecutive, three-year terms. Members shall be qualified electors and residents of the City. Members shall not be City employees. As is reasonably possible, the members shall have experience and or training in the following:
 - 1. Public administration;
 - 2. Governmental operation;
 - 3. Political practices; or
 - 4. Legal practice.
- B. The first appointee to the Great Falls Ethics Committee shall serve an initial term of three (3) years, the second appointee shall serve an initial term of two (2) years, and the third appointee shall serve an initial term of one (1) year. Following the expiration of these initial terms, the provisions of Subsection (A.) of this part shall apply.

([Ord. 3201](#); 2019, Ord. 3169, 2017).

2.21.090 - Committee meeting schedule.

The Committee shall meet on an as needed basis, no more frequently than once a month, after a matter has been referred to the Committee by direction of the City Manager or City Attorney. Committee meetings shall be held in the Civic Center and shall be open to the public, pursuant to Mont. Code Ann. Titles 2 and 7. Committee meeting minutes shall be maintained by the City Clerk.

([Ord. 3203](#), 2019; Ord. 3169, 2017).

2.21.100 - Committee duties.

The Committee shall meet and be presented testimony regarding matters referred to it. When considering an ethics complaint, the Committee shall determine whether a complaint appears to be substantiated based on the information and testimony presented. If the Committee determines that a complaint appears to be substantiated, it may refer the matter to the Cascade County Attorney, or to the supervisor of a public employee who may be the subject of the complaint, for disposition. The Committee shall make written findings of its decision, which will be filed with the City Clerk.

([Ord. 3201](#); 2019, Ord. 3169, 2017).

2.21.110 - Nepotism.

All personnel matters shall be administered on the basis of merit and through regular management procedure.

- A. No one participating actively in the appointment of a position, i.e., City Commissioners, City Manager, representatives of the Human Resources Department, the appointing department head, or division head, shall appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree;
 1. "Consanguinity" means blood relation and degrees are determined as follows:
 - i. Parent and child are of the first degree;
 - ii. Grandparents, grandchildren, brothers and sisters are of the second degree;
 - iii. Uncles, aunts, nephews, nieces and great grandparents are of the third degree; and
 - iv. First cousins, great uncles and great aunts and great-great grandparents are of the fourth degree.
 2. "Affinity" means a relationship by marriage and the degrees are determined as follows:
 - i. Husband and wife are of the first degree; and
 - ii. Brothers-in-law, sisters-in-law, fathers-in-law and mothers-in-law are of the second degree.
- B. No one may be appointed to a position, within a City department, if related or connected by consanguinity within the fourth degree or by affinity within the second degree to any person sitting on a board or commission representing or advising that department.
- C. The above shall include but not be limited to the following:
 1. City Commission;
 2. Board of Adjustment;
 3. Board of Health;
 4. Housing Authority;
 5. Library Board;

6. Park and Recreation Board;
7. Parking Commission;
8. Planning Board and Zoning Commission;
9. Police Commission;
10. Business Improvement District;
11. Tourism Business Improvement District; and
12. Great Falls Ethics Committee.

(Ord. 3169, 2017).

2.21.120 - Distribution.

The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public officer and employee of the City within thirty (30) days after enactment. Each public officer and employee elected, appointed, or engaged thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

(Ord. 3169, 2017).

Montana Code Annotated 2019

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 2. STANDARDS OF CONDUCT

Part 1. Code of Ethics

Definitions

2-2-102. Definitions. As used in this part, the following definitions apply:

(1) **"Business"** includes a corporation, partnership, sole proprietorship, trust or foundation, or any other individual or organization carrying on a business, **whether or not operated for profit.**

(2) "Compensation" means any money or economic benefit conferred on or received by any person in return for services rendered or to be rendered by the person or another.

(3) (a) "Gift of substantial value" means a gift with a value of \$50 or more for an individual.

(b) The term does not include:

(i) a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered to a charitable organization or the state and that is not claimed as a charitable contribution for federal income tax purposes;

(ii) food and beverages consumed on the occasion when participation in a charitable, civic, or community event bears a relationship to the public officer's or public employee's office or employment or when the officer or employee is in attendance in an official capacity;

(iii) educational material directly related to official governmental duties;

(iv) an award publicly presented in recognition of public service; or

(v) educational activity that:

(A) does not place or appear to place the recipient under obligation;

(B) clearly serves the public good; and

(C) is not lavish or extravagant.

(4) **"Local government"** means a **county**, a consolidated government, **an incorporated city or town**, a school district, or a special district.

(5) "Official act" or "official action" means a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority.

(6) **"Private interest"** means an interest held by an individual that is:

(a) an ownership interest in a business;

(b) a creditor interest in an insolvent business;

(c) an employment or prospective employment for which negotiations have begun;

(d) an ownership interest in real property;

- (e) a loan or other debtor interest; or
- (f) a directorship or officership in a business.
- (7) "Public employee" means:
 - (a) any temporary or permanent employee of the state;
 - (b) any temporary or permanent employee of a local government;
 - (c) a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority; and
 - (d) a person under contract to the state.
- (8) "Public information" has the meaning provided in **2-6-1002**.
- (9) (a) "Public officer" includes any state officer and any elected officer of a local government.
- (b) For the purposes of **67-11-104**, the term also includes a commissioner of an airport authority.
- (10) "Special district" means a unit of local government, authorized by law to perform a single function or a limited number of functions. The term includes but is not limited to conservation districts, water districts, weed management districts, irrigation districts, fire districts, community college districts, hospital districts, sewer districts, and transportation districts. The term also includes any district or other entity formed by interlocal agreement.
- (11) (a) "State agency" includes:
 - (i) the state;
 - (ii) the legislature and its committees;
 - (iii) all executive departments, boards, commissions, committees, bureaus, and offices;
 - (iv) the university system; and
 - (v) all independent commissions and other establishments of the state government.
- (b) The term does not include the judicial branch.
- (12) "State officer" includes all elected officers and directors of the executive branch of state government as defined in **2-15-102**.

History: En. 59-1702 by Sec. 2, Ch. 569, L. 1977; R.C.M. 1947, 59-1702; amd. Sec. 3, Ch. 18, L. 1995; amd. Sec. 1, Ch. 562, L. 1995; amd. Sec. 1, Ch. 122, L. 2001; amd. Sec. 1, Ch. 77, L. 2009; amd. Sec. 2, Ch. 156, L. 2019.

MCA Contents / TITLE 2 / CHAPTER 2 / Part 1 / 2-2-103 Public trust -- ...

Montana Code Annotated 2019

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 2. STANDARDS OF CONDUCT

Part 1. Code of Ethics

Public Trust -- Public Duty

2-2-103. Public trust -- public duty. (1) The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state.

(2) A public officer, legislator, or public employee whose conduct departs from the person's public duty is liable to the people of the state and is subject to the penalties provided in this part for abuse of the public's trust.

(3) This part sets forth various rules of conduct, the transgression of any of which is a violation of public duty, and various ethical principles, the transgression of any of which must be avoided.

(4) (a) The enforcement of this part for:

(i) state officers, legislators, and state employees is provided for in **2-2-136**;

(ii) legislators, involving legislative acts, is provided for in **2-2-135** and for all other acts is provided for in **2-2-136**;

(iii) local government officers and employees is provided for in **2-2-144**.

(b) Any money collected in the civil actions that is not reimbursement for the cost of the action must be deposited in the general fund of the unit of government.

History: En. 59-1703 by Sec. 3, Ch. 569, L. 1977; R.C.M. 1947, 59-1703; amd. Sec. 216, Ch. 685, L. 1989; amd. Sec. 2, Ch. 562, L. 1995; amd. Sec. 2, Ch. 122, L. 2001.

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Montana Code Annotated 2019

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 2. STANDARDS OF CONDUCT

Part 1. Code of Ethics

Rules Of Conduct For Public Officers And Public Employees

2-2-121. Rules of conduct for public officers and public employees. (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

(2) A public officer or a public employee may not:

(a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;

(b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the officer's or employee's agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the officer or employee regulates in the course of official duties without first giving written notification to the officer's or employee's supervisor and department director.

(3) (a) Except as provided in subsection (3)(b), a public officer or public employee may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is:

(i) authorized by law; or

(ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.

RESOLUTION NO. 10312

A RESOLUTION ESTABLISHING FEES FOR THE MANSFIELD CENTER FOR THE PERFORMING ARTS AT THE CIVIC CENTER AND SUPERSEDING RESOLUTIONS 10071 AND 10118

WHEREAS, the Mansfield Center for the Performing Arts serves as a cultural, social and entertainment center for the Great Falls community and north central Montana; and

WHEREAS, The Mansfield Center for the Performing Arts, consists of the Mansfield Theater, Mansfield Convention Center and meeting rooms. The venue provides services – from staffing, to setup and teardown as well as equipment and box office services for an event. Other services provided include professional backstage crew, box office staff, ushers, and staff to sell merchandise as well as high speed internet access and concessions; and

WHEREAS, The Theater seats 1,782 and is adaptable for concerts, ballet, grand opera, road shows, off-Broadway stage productions, travelogues, conventions and lectures. The Convention Center is 15,300 square feet in size and is a venue for conventions, trade shows, meetings, concerts, fundraisers, banquets and wedding receptions; and

WHEREAS, the City Commission adopted Resolutions 10071, “A Resolution Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center, Superseding Fees Set Forth in Resolution 10053” on April 15, 2015, and Resolution 10118, “A Resolution Amending Resolution 10071, Revising the Mansfield Box Office Ticketing Services Language” on August 18, 2015; and

WHEREAS, having considered the cost of operation, administration and services offered for the Mansfield Theater, Mansfield Convention Center, Missouri Room, Gibson Room, and Box Office, it was deemed necessary and appropriate to adjust fees associated with these operations to reduce support from the General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, AS FOLLOWS:

- (1) Rental and Box Office Fees for the Mansfield Theater, Mansfield Convention Center, Missouri Room, Gibson Room, and Rainbow Room are adopted as set forth in Exhibit “A” attached hereto.
- (2) Equipment Rental Fees are adopted as set forth in Exhibit “B” attached hereto.
- (3) The fees set forth in Exhibits A and B attached to Resolution 10312 shall become effective upon adoption, superseding the fees set forth in Resolutions 10071 and 10118.

BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, THAT:

Staff from the Mansfield Performing Arts Center, in conjunction with the City Manager’s Office, shall evaluate these fees on an annual basis beginning in calendar 2020, but no later than April 1 of that year and each successive year, and may implement an annual inflationary increase in these fees using the Consumer Price Index, U.S. City average, all urban consumers, as published

by the Bureau of Labor Statistics of the United States Department of Labor. Nothing in this Resolution shall prevent staff from making recommendations at any time to the City Commission for fee changes based upon other considerations.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, September 3, 2019.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

Exhibit “A” To Resolution

Mansfield Convention Center*	<u>Current Fees</u>	<u>Proposed Fees</u>
Attendance over 500	\$1,950	\$1,995
Attendance 500 and under	\$1,725	\$1,795
Non-alcohol event	\$1,395	\$1,495
Backstage	\$880	\$895
Set-up or tear-down day (Must be consecutive hrs)	\$100/hr minimum \$200 No Maximum	No Change
Walk-in cooler for set-up day	\$250	No Change
	(Included w/\$800 or more)	(Included w/\$400 or more)
Merchandising fee	20% of gross	No Change

* Maximum of 16 hrs that must be consecutive and between 7am and 1:30am. Additional hours are \$100/hour

Box Office Services and Convention Center		
Use of Mansfield Box Office	5% of gross	Optional except concerts and sporting events
Minimum/Cap	\$300/\$2,300	No Change
Plus additional per ticket fee	\$2/ticket	No Change

Missouri Room*	<u>Current Fees</u>	<u>Proposed Fees</u>
Event day	\$500	\$600
Set-up/tear-down day	\$250	\$300

* Maximum of 14 hrs that must be consecutive and between 7am and 12:30am. Additional hours are \$50/hour

* Rent is \$500 when used in conjunction with the theater as a dressing room.

Rainbow or Ryan Room	<u>Current Fees</u>	<u>Proposed Fees</u>
Week day	\$60	\$75
Weekend day	\$155	\$160

Gibson Room *	<u>Current Fees</u>	<u>Proposed Fees</u>
Event day	\$225	\$250

* Maximum of 12 hrs that must be consecutive and between 7am and 1:30am. Additional hours are \$50/hour

Commission Chambers	<u>Current Fees</u>	<u>Proposed Fees</u>
Event day	\$250	No Change

*Rent is \$125 when used in conjunction with the theater as a dressing room.

Holiday rates	\$385 additional charge	No Change
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Discount: A 15% discount may apply to multiple-room or multiple-day rentals. Discount may only be applied to full room rental rates.

Mansfield Theater	<u>Current Fees</u>	<u>Proposed Fees</u>
Performance	8% of gross	No Change
Box Office Fee	\$1.50	No Change
Facility Surcharge	\$0.50/ticket	No Change
Convenience Fee	\$2.00	\$4.00
Minimum/Cap	\$950/\$4335	No Change

Event w/out ticketing	\$1,145	\$1,195
Wedding	None	\$500 plus hourly rate and labor(2hr min)
Setup/Tear Down Day	\$475	\$495
Credit Card Fee	3% Or as allowed by law	4% Or as allowed by law

Mansfield Box Office Ticketing Services

The use of the Mansfield Box Office is required for all events held in the Mansfield Theater. The use of the Mansfield Box Office is required for all concerts and sporting events held in the Convention Center. Promoters located outside the State of Montana, are required to use the Mansfield Box Office for all publicly ticketed events held at the Mansfield Center for the Performing Arts. The Mansfield Box Office retains exclusive rights to all internet sales for events held in the Mansfield Theater. The use of the Mansfield Box Office is not required for events being held in the Commission Chambers, Gibson Room, Missouri Room or any of the smaller meeting rooms. Ticketing fees are in addition to room rental fees.

** The City reserves the right to require the sponsoring organization to use the Mansfield Box Office if a competing ticket outlet or location is used for ticket sales. However, tickets can be sold by the sponsoring organization.*

**RESOLUTION 10312 EXHIBIT
B**

FISCAL YEAR 2018 (July 2017 - June 2018)

CONTRACT #	EVENT DATE(s)	PERMIT HOLDER	Est Attnd #	ROOM(S)	2018	<u>Increased Amount</u>
18-01	9/9/17	Swartz Reception	150	Missouri Room	\$500.00	\$600.00
18-3	8/2/17	MT Coaches BBQ	800	Convention Center	\$1,950.00	\$1,995.00
18-4	10/4-5/17	Benefis Employee Banquet	600	Convention Center	\$1,950.00	\$1,995.00
18-5	8/12/17	Pimperton Reception	350	Convention Center	\$1,725.00	\$1,800.00
18-6	8/12/17	King Reception	200	Missouri Room	\$500.00	\$600.00
18-7	8/5/17	Benefis Employee Picnic	1000	Convention Center	\$1,950.00	\$1,995.00
18-8	7/28 or 7/29/17	Nursing Graduation	300	Missouri Room	\$500.00	\$600.00
18-17	4/28/18	12 Step Study	150	Missouri Room	\$500.00	\$600.00
18-19	3/15-17/18	Studio 706	300	Gibson Room	\$450.00	\$500.00
18-20	9/9/17	Russell Movie	1000	Theater	\$1,145.00	\$1,195.00
18-21	8/21/17	Life Line Screening	50	Gibson Room	\$225.00	\$250.00
18-22	11/18/17	Great Falls High Prom	399	Convention Center	\$1,395.00	\$1,495.00
18-23	7/15/17	Conradi Reception	240	Missouri Room	\$500.00	\$600.00
18-24	9/27/17	Montana League of Cities and Towns (MLCT)	300	Missouri Room	\$500.00	\$600.00
18-26	7/10-14/17	Opportunities Inc	120	Missouri Room	\$2,000.00	\$2,400.00
18-27	8/5/17	Hallie Noland - Bridal Shower	40	Gibson Room	\$225.00	\$250.00
18-38	11/9/17	Symphony School Concert Fall	1500	Theater	\$1,145.00	\$1,195.00
18-39	4/12/18	Symphony School Concert Spring	1500	Theater	\$1,145.00	\$1,195.00
18-46	7/29/17	Great Falls High 40th Reunion	150	Convention Center	\$1,725.00	\$1,800.00
18-47	8/3/17	Schmidt Wedding Reception	65	Gibson Room	\$225.00	\$250.00
18-48	9/5-7/17	Opportunities Inc	120	Missouri Room	\$1,500.00	\$1,800.00
18-50	8/19/17	Dustin Utley, c/o Croxford Funeral Home & Crematory, Inc.	150	Missouri Room	\$500.00	\$600.00
18-53	1/17-18/18	Pork Producers	200	Convention Center	\$1,725.00	\$1,800.00
18-54	12/7-9/17	Organic Farmers Association	200	Convention Center	\$6,020.00	\$6,345.00
18-55	10/19-20/17	Montana Downtown Conference	120	Missouri Room	\$500.00	\$600.00
18-56	9/30/17	MT Amatuer Hockey Association	150	Rainbow/Chambers/Missouri/Gibson	\$1,035.00	\$1,175.00
18-57	12/2/17	Tara Livingston 16th Birthday Party	40	Gibson Room	\$225.00	\$250.00
18-58	12/15/17	Loenbro Christmas Party	200	Missouri Room	\$500.00	\$600.00
18-59	10/14/17	Holy Spirit	399	Convention Center	\$1,725.00	\$1,800.00
18-60	10/6/17	Johnson Birthday Party	40	Gibson Room	\$225.00	\$250.00
18-61	5/15/18	Griz BBQ	800	Convention Center	\$1,950.00	\$1,995.00
18-63	4/14/18	Central Catholic High School	399	Convention Center	\$1,725.00	\$1,800.00
18-64	10/30/17	Smith River Meeting (DEQ)	300	Missouri Room	\$500.00	\$600.00
18-66	4/21/18	Salute to Women	240	Missouri Room	\$500.00	\$600.00
18-67	1/20-21/18	Grand Style Productions Bridal Show	500	Convention Center	\$2,790.00	\$2,990.00
18-68	11/9/17	Spirit of Women	240	Missouri Room	\$500.00	\$600.00
18-69	4/20/17	GF Public Schools MIOSM	1200	Theater & Convention Center	\$1,145.00	\$1,195.00
18-70	12/5-6/17	Cascade County Tavern Association	499	Convention Center	\$1,950.00	\$1,995.00
18-71	6/7-10/18	Beer and Gear	1200	Convention Center	\$3,675.00	\$3,795.00
18-72	12/1-2/17	MANG	750	Convention Center	\$1,395.00	\$1,495.00
18-73	12/11/17	CMR Holiday Concert	700	Convention Center	\$1,145.00	\$1,195.00
18-74	12/23-24/17	Faith Center Christmas	2200	Theater & Gibson	\$1,145.00	\$1,195.00
18-75	3/31-4/1/18	Faith Center Easter	2800	Theater & Gibson	\$1,145.00	\$1,195.00
18-76	4/6-7/18	Rocky Mountain Elk Foundation(RMEF)	399	Convention Center	\$1,725.00	\$1,800.00
18-77	4/17/18	Lewis and Clark Trail Mixer	399	Convention Center	\$1,725.00	\$1,800.00
18-78	4/16/18	Great Falls Rescue Mission	499	Convention Center	\$1,395.00	\$1,495.00
18-79	5/24/18	MT Federal Credit Union	800	Convention Center	\$1,395.00	\$1,495.00
18-80	6/2/17	Osterman Reception	240	Missouri Room	\$500.00	\$600.00
18-81	12/6/17	Produce Safety Training	20	Rainbow Room	\$60.00	\$75.00
18-82	3/24/18	CMR Highschool Prom	800	Convention Center	\$1,395.00	\$1,495.00
18-83	3/31/18	Giant Springs Congregation	185	Missouri Room	\$500.00	\$600.00

18-84	4/10/18	Benefis Volunteer Banquet	499	Convention Center	\$1,725.00	\$1,800.00
18-85	12/5/17	Slaughterhouse public meeting	240	Missouri Room	\$500.00	\$600.00
18-87	5/10-14/18	Benefis Mayfaire	680	Convention Center	\$1,950.00	\$1,995.00
18-88	3/10-11/18	Sheer Elite	150	Theater/Missouri/Gibson	\$2,370.00	\$2,645.00
18-89	5/17-19/18	Miss Linda's	573	Theater, Missouri, Gibson, Rainbow	\$1,345.00	\$1,600.00
18-91	2/26/18	Timeless Seeds	60	Gibson Room	\$225.00	\$250.00
18-92	5/4/18	MSU Pinning Ceremony	200	Missouri Room	\$500.00	\$600.00
18-93	1/27/18	Edward Jones	240	Missouri Room	\$500.00	\$600.00
18-94	1/2/18	Opportunities Inc	50	Missouri Room	\$500.00	\$600.00
18-95	4/28/18	Mule Deer Foundation	299	Convention Center	\$1,725.00	\$1,800.00
18-96	3/11-19/18	The Russell	2500	Convention Center/Theater/Missouri Room	\$10,585.00	\$11,280.00
18-98	3/2/18	LOCASH - Concert	1200	Convention Center	\$1,725.00	\$1,800.00
18-99	2-26 & 3-5/18	Tokerud & McCarty Meeting	10	Rainbow room	\$120.00	\$150.00
18-100	1/31-2-1/18	Farmers Business Network	150	Convention Center	\$2,225.00	\$2,400.00
18-102	4/19-20/18	Pro-Build	350	Convention Center	\$1,725.00	\$1,800.00
18-103	6/26-27/18	Great Falls Municiple Band (Muni Band)	650	Convention Center	\$1,395.00	\$1,495.00
18-104	4/14/18	Slaughterhouse public meeting	240	Convention Center	\$500.00	\$600.00
1-18-105	2/20/18	Montana State AFL-CIO	20	Gibson Room	\$225.00	\$250.00
18-106	5/1/18	RSVP Lunch - United Way	175	Missouri Room	\$500.00	\$600.00
18-107	3/23/18	Opportunities Inc	120	Missouri Room	\$500.00	\$600.00
18-111	6/6/18	State of Montana Local Government Training	35	Gibson Room	\$225.00	\$250.00
18-113	6/18/18	Hausman Memorial Service	60	Gibson Room	\$225.00	\$250.00
18-114	6/18/19	Evershed-Sutherland Law firm	10	Rainbow Room	\$120.00	\$150.00
					\$95,898.00	\$101,260.00
	Old	New				
Rainbow	\$60.00	\$75.00	25.00%			
Gibson	\$225.00	\$250.00	11.10%			
Chambers	\$250.00	\$250.00	0.00%			
Missouri	\$500.00	\$600.00	20.00%			
Theater	\$1,145.00	\$1,195.00	4.40%			
Convention Cent	\$1,395.00	\$1,495.00	6.40%			
	\$1,725.00	\$1,795.00	7.10%			
	\$1,950.00	\$1,995.00	2.30%			
Theater Tickete	\$950 min	\$950 min	0.00%			
ater Non-Ticke	\$1,145.00	\$1,195.00	4.30%			
			8.06%	Average Increase		

Equipment Rental Fees
Updated January 2019

	EQUIPMENT (optional)	FEE
Linens		
	60" Round Linen	\$2.50 ea
	8' Banquet Linen	\$2.50 ea
	13' Table Skirting	\$16.00 ea
	*Note: 1 free Table Skirt for every 20 Table Linens rented	
Pipe/Drape		
	Up to 210 linear ft. included in rental***	No Charge
	Pipe & Drape above 210 linear ft. usage	\$1/ft
	Outside rental	\$3/ft
	***Dependant on availability	
Audio Visual		
	Portable Sound System w/up to 3 mics	\$75
	Additional mics	\$25
	Da-Lite Fast-Fold Truss Frame Movie Screen 16' tall X 276" wide (included w/Theater)	\$350
	LCD Projector	\$150
	Screen (9'x9' freestanding)	\$50
	USA Flag	No Charge
	Montana Flag	No Charge
	Table Lectern	No Charge
	Standing Podium	No Charge
	Flip Chart	\$7.00
	Standing Easel (metal) (flipchart attachment avail.)	No Charge
	Standing Easel (oak)	No Charge

\$75
\$75
Remove
Remove
Remove

	Table Top Easels	No Charge
	Projector in Gibson and Chambers	\$50.00
Miscellaneous		
	Regular/Decaffinated Coffee (5-gal coffee service)*	\$60
	Regular/Decaffinated Coffee (22 cup pot coffee service)*	\$25
	Herbal/Black Tea*	\$25
	Bottle Water	\$1/bottle
	Coffee Pots	\$10/cleaning fee
	Misses Tea Maker	\$10/cleaning fee
	Exterior Dumpsters	Cost + 15%
	Garbage Cans (95-gallon)	Cost + 15%
	Garbage Cans (30-gal.) (CC/MR/GR)	No Charge
	Caterer's Carts	\$10/cleaning fee
	Clothed Movable Hard Panels (Convention Center only)	No Charge
	Stantions (included w/Theater)	\$2/stantion
	4'x8' Risers (Up to 6 available)	\$25/riser
	Stage Alterations (CC)	\$150min/\$300max
	Tables (Quantites Per Above, Rental to Other Rooms if Available)	\$12/table
	Buddy Bars (Rental to Other Rooms if Available)	\$12/table
	Chairs (Quantites Per Above, Rental to Other Rooms if Available)	\$3/chair
	Piano (included with Theater rent)	\$50
	Piano Tuning	Cost+15% administrative fee

\$5/stantion

(b) As used in this subsection (3), "properly incidental to another activity required or authorized by law" does not include any activities related to solicitation of support for or opposition to the nomination or election of a person to public office or political committees organized to support or oppose a candidate or candidates for public office. With respect to ballot issues, properly incidental activities are restricted to:

(i) the activities of a public officer, the public officer's staff, or legislative staff related to determining the impact of passage or failure of a ballot issue on state or local government operations;

(ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of law governing public meetings of the local board of trustees, including the resulting dissemination of information by a board of trustees or a school superintendent or a designated employee in a district with no superintendent in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors.

(c) This subsection (3) is not intended to restrict the right of a public officer or public employee to express personal political views.

(d) (i) If the public officer or public employee is a Montana highway patrol chief or highway patrol officer appointed under Title 44, chapter 1, the term "equipment" as used in this subsection (3) includes the chief's or officer's official highway patrol uniform.

(ii) A Montana highway patrol chief's or highway patrol officer's title may not be referred to in the solicitation of support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

(4) (a) A candidate, as defined in **13-1-101(8)(a)**, may not use or permit the use of state funds for any advertisement or public service announcement in a newspaper, on radio, or on television that contains the candidate's name, picture, or voice except in the case of a state or national emergency and then only if the announcement is reasonably necessary to the candidate's official functions.

(b) A state officer may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to produce, print, or broadcast any advertisement or public service announcement in a newspaper, on radio, or on television that contains the state officer's name, picture, or voice except in the case of a state or national emergency if the announcement is reasonably necessary to the state officer's official functions or in the case of an announcement directly related to a program or activity under the jurisdiction of the office or position to which the state officer was elected or appointed.

(5) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:

(a) involved in a proceeding before the employing agency that is within the scope of the public officer's or public employee's job duties; or

(b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.

(6) A public officer or public employee may not engage in any activity, including lobbying, as defined in **5-7-102**, on behalf of an organization, other than an organization or association of local government officials, of which the public officer or public employee is a member while performing the public officer's or public employee's job duties. The provisions of this subsection do not prohibit a public officer or public employee from performing charitable fundraising activities if approved by the public officer's or public employee's supervisor or authorized by law.

(7) A listing by a public officer or a public employee in the electronic directory provided for in **30-17-101** of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this section. The public officer or public employee may not make arrangements for the listing in the electronic directory during work hours.

(8) A department head or a member of a quasi-judicial or rulemaking board may perform an official act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a statute and if the person complies with the disclosure procedures under **2-2-131**.

(9) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless the member is also a full-time public employee.

(10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act.

History: En. 59-1706 by Sec. 6, Ch. 569, L. 1977; R.C.M. 1947, 59-1706; amd. Sec. 1, Ch. 59, L. 1991; amd. Sec. 7, Ch. 562, L. 1995; amd. Sec. 3, Ch. 42, L. 1997; amd. Sec. 3, Ch. 122, L. 2001; amd. Sec. 1, Ch. 58, L. 2003; amd. Sec. 1, Ch. 145, L. 2005; amd. Sec. 3, Ch. 173, L. 2005; amd. Sec. 1, Ch. 437, L. 2005; amd. Sec. 1, Ch. 386, L. 2011; amd. Sec. 1, Ch. 14, L. 2013; amd. Sec. 1, Ch. 259, L. 2015; amd. Sec. 3, Ch. 156, L. 2019.